

Ohio, asking for an exemption clause in House bill 15345, for the organization of the militia—to the Committee on the Militia.

Also, petition of 3 retail druggists of Mowrystown, Ohio, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Resolutions of the Sailors' Union of the Pacific, for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., favoring American register for British bark *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

By Mr. KEHOE: Petition of sundry citizens of Maysville, Ky., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. KNOX: Resolutions of the City Council of Boston, Mass., protesting against the establishment of a depot for the light-house service on Castle Island, Boston Harbor—to the Committee on Appropriations.

By Mr. LLOYD: Petition of retail druggists of Hannibal, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolutions of Typographical Union No. 42, Minneapolis, Minn., relative to amendment of the United States land laws—to the Committee on the Public Lands.

Also, resolutions of the same relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLELLAN: Resolutions of the American Chamber of Commerce, of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. RIXEY: Papers to accompany House bill for the relief of the legal representatives of E. A. W. Hooe, of Stafford County, Va.—to the Committee on War Claims.

By Mr. ROBB: Petition of J. D. Spain, of Saco, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUCKER: Petition of Geo. T. Bell and other retail druggists of Bucklin, Mo., favoring House bill No. 178—to the Committee on Ways and Means.

By Mr. SKILES: Paper to accompany House bill for increase of pension of Joseph Mitchell—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petition of various societies in Allendale, Ottawa County, Mich., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, protest of two Congregational churches and certain societies of Allendale, Mich., against the repeal of the anticean law—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, two Congregational churches, Wesleyan Methodist Church, of Allendale, and Wesleyan Methodist Church, of Blenden, Mich., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SNODGRASS: Petition of three retail druggists of Spring City and Lorraine, Tenn., favoring House bill 178—to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of Aaron Wise Lodge, No. 244, Order of B'rith Abraham, of New York City, relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

Also, resolutions of the Paint Grinders' Association of the United States, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classification and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolution of New York Stereotypers' Union No. 1, in reference to public lands, and favoring the repeal of the desert-land act—to the Committee on the Public Lands.

Also, resolutions of the American Chamber of Commerce of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. THOMAS of Iowa: Petitions of the Woman's Christian Temperance Union and the Methodist Episcopal Church of Ashton, Iowa; the First Methodist Episcopal Church, Lake Side Presbyterian Church, German Methodist Episcopal Church, and the First Baptist Church of Storm Lake, Iowa, in favor of the enactment of laws prohibiting the sale of intoxicating liquors in Government buildings and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

By Mr. THOMAS of North Carolina: Petition by citizens of Craven County, N. C., for the construction of the inland waterway—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Resolution of the American Chamber of Commerce of Paris, France, in favor of the adoption of the metric system in the United States—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, February 3, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of John Q. Everson and others and John Lippincott and others v. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Baltimore and Washington Transit Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Company of the District of Columbia for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Railway and Electric Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown and Tennytown Railway Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Metropolitan Railroad Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COLUMBIA RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Columbia Railway Company for the fiscal year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CITY AND SUBURBAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the City and Suburban Railway of Washington for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

Mr. SIMMONS presented the credentials of Lee S. Overman, chosen by the legislature of the State of North Carolina a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

CHAPLAINS IN THE NAVY.

Mr. HALE. I move to reconsider a matter presented yesterday where a document was ordered printed. I move to reconsider the vote for the purpose of moving afterwards that the same paper be printed in connection with another, so that they may appear together.

The PRESIDENT pro tempore. Will the Senator name the document?

Mr. HALE. The order of the Senate is found on page 1561 of the RECORD, under the heading, "Chaplains in the Navy."

The PRESIDENT pro tempore. The Senator from Maine moves to reconsider the vote by which the Senate agreed to the printing of a document in relation to chaplains in the Navy. The Chair hears no objection, and the vote is reconsidered.

Mr. HALE. I now move that the paper be printed as a document, and that there be added to it a letter from the Secretary of the Navy on the same subject.

The PRESIDENT pro tempore. The Senator from Maine moves

that the paper be printed, in connection with the papers he now sends to the desk, as a document.

Mr. HALE. And referred to the Committee on Naval Affairs. The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of Lodge No. 236, Brotherhood of Locomotive Firemen, of Hinton, W. Va., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. NELSON presented a petition of Camp No. 4251, Modern Woodmen of America, of Villard, Minn., praying for the enactment of legislation providing for the improved economy of the forest resources of the country; which was referred to the Committee on Public Lands.

He also presented a petition of Lodge No. 510, Brotherhood of Locomotive Firemen, of Minneapolis, Minn., and a petition of Carpenters and Joiners' Local Union No. 307, American Federation of Labor, of Winona, Minn., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of Duluth City Lodge, No. 133, Order of B'rith Abraham, of Duluth, Minn., and a petition of Minneapolis City Lodge, No. 63, Order of B'rith Abraham, of Minneapolis, Minn., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of Local Union No. 91, of Minneapolis; of Local Union No. 22, of Mankato; of Carpenters and Joiners' Local Union No. 7, of Minneapolis; of Local Union No. 36, of St. Paul, and of Granite Polishers' Local Union No. 9481, of St. Cloud, all of the American Federation of Labor, in the State of Minnesota, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the congregation of the Congregational Church of Owatonna; of the Woman's Christian Temperance Union of Wabasso; of the Zion Society, Evangelical Association, and Woman's Christian Temperance Union of Preston; of the Woman's Christian Temperance Union of Buffalo; of the Political Equality Club of St. Paul; of the Sacred Thirst Total Abstiners' Society of St. Paul, and of the Woman's Christian Temperance Union of Clinton, all in the State of Minnesota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. BEVERIDGE presented a petition of the Manufacturers' Association, of Peru, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Lafayette, Wis., and a petition of the congregation of the Good Shepherd Church, of Racine, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Kaukauna Lodge, No. 474, International Association of Machinists, of Kaukauna, Wis., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a memorial of the Woman's Christian Temperance Union of Livingston, Wis., remonstrating against the repeal of the present anticontain law, and praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Military Affairs.

Mr. MARTIN presented a petition of Norfolk Lodge, No. 248, Order of B'rith Abraham, of Norfolk, Va., and a petition of Newport News Lodge, No. 231, Order of B'rith Abraham, of Newport News, Va., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. TELLER presented a petition of the Produce Exchange of Seattle, Wash., praying for the enactment of legislation to open the land of the Territory of Alaska to settlement and the mineral wealth of that Territory to the industry of the United States; which was referred to the Committee on Territories.

He also presented a memorial of the directors of the El Paso branch of the Colorado Humane Society, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Timnath, Colo., praying for the adoption of an amendment to the Consti-

tution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the State of Colorado, praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Colorado Springs, Col., and a petition of the Colorado State Medical Society, of Denver, Colo., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which were ordered to lie on the table.

He also presented a petition of Queen City Lodge, No. 113, Order of B'rith Abraham, of Denver, Col., and a petition of Western Lodge, No. 301, Order of B'rith Abraham, of Denver, Col., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of Carpenters and Joiners' Local Union No. 850, of Leadville; of Local Union No. 5, of Florence; of Carpenters and Joiners' Local Union No. 489, of Canon City; of Ward Miners' Local Union, No. 59, of Ward, and of Local Union No. 4, of Colorado Springs, all of the American Federation of Labor; of Local Division No. 451, Brotherhood of Locomotive Engineers, of Denver, and of Local Division No. 515, Brotherhood of Locomotive Engineers, of Basalt, all in the State of Colorado, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Trades and Labor Assembly of Canyon City; of Federal Labor Union, No. 1, of Canyon City; of the Operative Plasterers' International Association, of Canyon City; of Bricklayers and Masons' Local Union No. 3, of Canyon City; of Teamsters and Expressmen's Local Union No. 1, of Canyon City; of Carpenters and Joiners' Local Union No. 55, of Denver; of Cigar Makers' Local Union No. 129, of Denver; of Local Union No. 475, of Florence, and of Typographical Union No. 82, of Colorado Springs, all of the American Federation of Labor, and of Royal George Lodge, No. 59, Brotherhood of Locomotive Firemen, of Pueblo, all in the State of Colorado, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. FOSTER of Washington presented a petition of the State Federation of Labor, of American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Trades Council, American Federation of Labor, of Tacoma, Wash., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the adoption of certain amendments to the so-called pure-food bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Spokane, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and in Government buildings; which were ordered to lie on the table.

Mr. MORGAN. I present the petition of Hinton Rowan Helper, relating to a projected intercontinental railway through the three Americas. The petitioner asks that his petition may be printed, and I move that it be referred to the Committee on Printing to ascertain whether it ought to be printed or not.

The motion was agreed to.

Mr. CLAPP presented a petition of the congregation of the Stewart Memorial Presbyterian Church, of Minneapolis, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of Empire State Lodge, No. 69, of Rochester, N. Y., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

VOLCANOE IN NICARAGUA.

Mr. MORGAN. I present a letter from the Secretary of State, inclosing the report of a special agent of that Department, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The Secretary will read the letter of transmittal.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, January 31, 1905.

HON. JOHN T. MORGAN,
Chairman Committee on Inter-oceanic Canals,
United States Senate.

SIR: I have the honor to inclose herewith, for the information of your committee, a copy of the report of Mr. James O. Jones, who was sent as a special agent of the Department of State to obtain certain facts as to what

effects, if any, the recent seismic disturbances in Guatemala, Costa Rica, and Nicaragua have had upon the level of the waters in lakes Nicaragua and Managua.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Mr. MORGAN. I move that the letter and accompanying paper be printed as a document and referred to the Committee on Inter-oceanic Canals.

The motion was agreed to.

Mr. MORGAN. In this connection I also ask to have printed a document on the volcanoes of Nicaragua, prepared for the Government of Nicaragua by P. W. Chamberlain, civil engineer, and a member of the American Society of Civil Engineers, which has been sent here by our consul at Managua. I ask that the paper be printed in connection with the report of Mr. Jones, as it relates to the same subject.

The PRESIDENT pro tempore. The Senator from Alabama asks that the document presented by him be printed with the report transmitted by the Department of State. Is there objection? The Chair hears none, and it is so ordered, and the entire document will be printed, and referred to the Committee on Inter-oceanic Canals.

REPORT OF COMMITTEES.

Mr. BURNHAM, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate \$25,000 to enable the inhabitants of the Indian Territory to provide and maintain an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in the city of St. Louis, Mo., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 11596) granting an increase of pension to Inez L. Clift, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4441) granting an increase of pension to Oscar Brewster;

A bill (H. R. 12971) granting a pension to Thomas Martin, and;

A bill (H. R. 15889) granting an increase of pension to Chester W. Abbott.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16148) granting an increase of pension to Harry F. Libby; and

A bill (H. R. 13358) granting a pension to Elizabeth A. Wilder.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 160) to authorize A. G. Menocal to accept a decoration, reported it without amendment.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12410) granting an increase of pension to Mary Nichols;

A bill (H. R. 15472) granting an increase of pension to William H. Chamberlain; and

A bill (H. R. 8617) granting a pension to Sabina Lalley.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 15757) granting a pension to Frances C. Broggan, reported it with amendments, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4153) granting a pension to Jane Hale;

A bill (H. R. 13999) granting an increase of pension to Dennis Cosier; and

A bill (H. R. 9814) granting an increase of pension to Mary Williams.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4183) granting an increase of pension to Gottlieb Kafer; and

A bill (H. R. 14143) granting an increase of pension to Augusta W. Seely.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15839) granting an increase of pension to Luther Scott; and

A bill (H. R. 15892) granting an increase of pension to Eli Titus.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 6599) to provide a government for the island of Guam, and for other purposes, reported it with an amendment.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," reported it with amendments.

NATIONAL-BANK RESERVES.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," to report it with amendments, and I ask unanimous consent for its present consideration.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Finance were, on page 1, line 2, before the word "thousand," to strike out "fifteen" and insert "thirty;" on page 2, line 3, after the word "Comptroller," to strike out the words "with the approval of the Secretary of the Treasury;" in line 5, after the word "city," to strike out the words "so designated," and in line 10, after the word "Statutes," to strike out the proviso in the following words:

Provided, That no bank with a capital of less than \$100,000 shall be thus designated.

So as to make the bill read:

Be it enacted, etc., That section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended to read as follows:

"That whenever three-fourths in number of the national banks located in any city of the United States having a population of 30,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller shall have authority to grant such request, and every bank located in such city shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent of its deposits, as provided in sections 5191 and 5192 of the Revised Statutes."

The amendments were agreed to.

The bill was reported to the Senate as amended.

Mr. ALLISON. Before the bill is finally disposed of, I desire to say a single word in explanation.

The only object of the bill is to strike out "fifteen thousand" in the sections of the Statutes named and to insert "thirty thousand," so that in cities of 30,000 inhabitants these banks may have reserves. That is the only change. The House fixed it at 15,000 and we insert 30,000. I hope the bill will be passed.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ISSUANCE OF A DUPLICATE CHECK.

Mr. TELLER. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others, to report it favorably without amendment.

Mr. BEVERIDGE. Mr. President, I ask unanimous consent for the immediate consideration of the bill which has just been reported by the Senator from Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It recites in the preamble that whereas it appears that George A. Bartlett, disbursing clerk, Treasury Department, did, on the 19th of July, 1902, issue a check, No. 1813553, upon the Treasurer of the United States at Washington, District of Columbia, in favor of Fannie T. Sayles, executrix, and others, for \$3,708.33, being in payment for rent of a building in Indianapolis, Ind., for quarters for Government offices; and that the check was by Fannie T. Sayles, executrix, and others, indorsed for deposit in the Merchants' National Bank, Indianapolis, Ind., and so deposited, which check was subsequently mailed by the Merchants' National Bank to its correspondent for collection, and was destroyed in a wreck on the Pennsylvania Limited on July 24, 1902, in transmission through the United States mails; and whereas the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks

drawn for \$2,500 or less, it therefore instructs George A. Bartlett, disbursing clerk of the Treasury Department, to issue a duplicate of the original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

Mr. SPOONER. I should like to ask the Senator from Colorado if the bill is in the usual form?

Mr. TELLER. It is in the usual form. It is one of those cases where the amount is so large that the Department can not pay it; and therefore an act of Congress is required.

Mr. SPOONER. In bills of this kind there is ordinarily a provision for the filing of a bond of indemnity.

Mr. TELLER. By this bill it is provided that the duplicate check to be issued shall be issued in accordance with the provisions of the statute relating to these matters.

Mr. SPOONER. That is provided for, then?

Mr. TELLER. It is.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. CLAPP introduced a bill (S. 7228) to extend the time within which rebates may be allowed under the act entitled "An act to repeal war-revenue taxation, and for other purposes," approved April 12, 1902; which was read twice by its title, and referred to the Committee on Finance.

Mr. GAMBLE introduced a bill (S. 7229) to permit second homestead entries in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURNHAM introduced a bill (S. 7230) granting a pension to Catharine M. Folsom; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7231) granting a pension to Zachariah Orner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7232) for the relief of Robert H. Beverley; and

A bill (S. 7233) for the relief of the legal heirs of the late L. Claiborne Jones.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7234) granting an increase of pension to Isaac N. Hughey;

A bill (S. 7235) granting an increase of pension to Emily M. J. Cooley; and

A bill (S. 7236) granting a pension to William C. Banks.

Mr. BLACKBURN introduced a bill (S. 7237) for the relief of Sidney R. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7238) granting a pension to John W. Hall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER (by request) introduced a bill (7239) to exempt building associations in the District of Columbia from taxation; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7240) granting an increase of pension to Reuben Smalley (with the accompanying papers);

A bill (S. 7241) granting an increase of pension to Stephen W. Troyer; and

A bill (S. 7242) granting an increase of pension to John Hendricks.

Mr. FRYE introduced a bill (S. 7243) to increase the efficiency and safety of the mercantile marine of the United States, and to appoint a commission to recommend to the Congress the revision of all laws of the United States relating to the construction, installation, and inspection of marine boilers and their appurtenances, and to suggest the enactment of such additional legislation as will effect improvement in construction of marine boilers and maintain uniformity of inspection of marine boilers in all portions of the United States and insular possessions, and to further provide a reciprocal recognition of boiler-inspection certificates between the several maritime nations having marine-inspection laws; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. PLATT of Connecticut introduced a bill (S. 7244) granting

an increase of pension to Mary Lucetta Arnold; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7245) amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 7246) granting a pension to Caroline Weinheimer; which was read twice by its title.

Mr. COCKRELL. On January 14, 1901, a bill was approved granting a pension to Catharine Weinheimer, mother of the beneficiary named in the bill I have just introduced. I inclose a copy of that law, together with the Senate and House reports in that case, and a letter from myself to the honorable chairman of the Committee on Pensions. I move that the bill and the accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MORGAN introduced a bill (S. 7247) for the relief of certain homestead settlers in the State of Alabama on lands which have been recovered, or which may hereafter be recovered, in the courts by the grantees of certain railroad companies in that State; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. KEARNS submitted an amendment relating to the opening to location and entry of a portion of the Uncompahgre Indian Reservation in the State of Utah, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also submitted an amendment authorizing the Secretary of the Interior to lease 20 acres of land of the tract now occupied by the Shebit Indians for the use of the Utah and Eastern Copper Company in the erection and operation of a smelter, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment relating to the allotments of land to the Uinta and White River Ute Indians, limiting the grazing lands to be set aside for the use of the Uinta, White River Utes, and other Indians to lands south of the Strawberry River not greater than 250,000 acres in extent, and extending the time for opening to public entry the unallotted lands on said Uinta Indian Reservation to October 1, 1904, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate \$35,000 for the extension of the present contract to collect and dispose of ashes and miscellaneous refuse from all business places in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. TELLER submitted an amendment proposing to appropriate \$75,000 to pay to the executor or administrator of the estate of Eli Ayres the claim made by said Eli Ayres in his lifetime, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians under the several treaties between said Indians and the United States dating from 1837 to 1855, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment providing for the filling of vacancies which may occur in the board of directors of the Central Dispensary and Emergency Hospital in the District of Columbia by the Commissioners of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to repeal the provision in the act of June 30, 1883 (30 Stat., 538), fixing charges for the use of single or grounded wire telephones in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$25,000 for the purchase of a site and the erection and equipment of isolation buildings in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying memorandum, referred to the Committee on the District of Columbia.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate \$1,226.39 to pay Huff Jones, of Oconto, Wis., for money expended under an agreement with William T. Richardson, Indian agent at Green Bay, Wis., in November, 1872, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$3,687.48 out of any money in the Treasury belonging to the Creek Nation of Indians to pay William M. Springer for professional services rendered to said nation, directing the payment of two Cherokee warrants for \$1,500 each to William M. Springer for professional services rendered said Cherokee Nation, and proposing to appropriate \$5,000 out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma to pay William M. Springer for professional services rendered said Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment authorizing the Secretary of the Interior to pay, out of any money in the Treasury belonging to the Cherokee Nation, four Cherokee warrants of \$1,500 each, which were issued in 1900 to Lucien B. Bell and others, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DISPOSITION OF ROUTINE BUSINESS.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Senators, of their own motion, at any time while the Senate is sitting, may deposit in a receptacle provided for that purpose at the Secretary's desk any petitions or memorials, reports from the Committee on Pensions, and pension bills, and all matters so deposited shall be disposed of in the same manner as if presented by Senators from their places on the floor of the Senate.

SALARIES OF POSTMASTERS IN VERMONT.

Mr. PROCTOR submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered printed:

Resolved by the Senate, That the Postmaster-General be, and he is hereby, directed to report to the Senate the amounts of salaries of all postmasters in the State of Vermont for the terms of service specified whose names and terms of service appear on the schedule of such cases in said State, heretofore attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1854, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1853 shall appear in each case specified on the said schedule.

FRANCIS S. DAVIDSON.

Mr. HOAR submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

STATUTES OF CHARLES CARROLL AND JOHN HANSON.

Mr. McCOMAS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statutes of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Maryland.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these memorials.

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day. The resolution known as the Rawlins resolution is before the Senate.

Mr. DUBOIS. I ask that it may go over and remain on the table.

The PRESIDENT pro tempore. The Senator from Idaho asks that the resolution may retain its place on the table. The Chair hears no objection.

OFFICERS AND CREW OF STEAMER CHARLESTON.

Mr. HALE. I should like to call up the bill (H. R. 5756) for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands November 2, 1899. There will be no objection to it.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to reimburse the officers and crew of the U. S. S. *Charleston*, destroyed on a coral reef off Camiguin Island, in the

Philippines, November 2, 1899, for losses incurred by them, respectively, in the destruction of that vessel.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CANCELLATION OF TAXES.

Mr. DUBOIS. I ask unanimous consent for the consideration of the bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. MARSHALL.

Mr. BEVERIDGE. I ask for the present consideration of the bill (H. R. 647) for the relief of William P. Marshall.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$200 to William P. Marshall, late a private in Company H, One hundredth Pennsylvania Volunteer Infantry, being the amount due him for bounty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY FARMER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 7166) granting an increase of pension to Fanny Farmer.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "Company B," to insert "Second Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny Farmer, widow of Augustus B. Farmer, late of Company B, Second Regiment, and captain Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CENTRAL ARIZONA RAILWAY.

Mr. BURTON. I desire unanimous consent to call up the bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona.

The PRESIDENT pro tempore. The bill has been twice read to the Senate. Is there objection to its consideration?

Mr. SPOONER. I should like to ask the Senator from Kansas if this is the bill which was up the other day?

Mr. BURTON. It is.

Mr. SPOONER. The one which the President vetoed?

Mr. BURTON. No, sir; it is not the bill which the President vetoed; but it is a new bill which I introduced to cover the objection the President had to the former measure.

Mr. SPOONER. I do not think we ought to take up a bill—

Mr. BURTON. If the Senator will permit me, I hold in my hand two communications—one from the Secretary of the Interior and the other from the Commissioner of the General Land Office—which I will ask to have read.

Mr. SPOONER. I think it would be better to let the Clerk read the communications rather than that the Senator should hold them in his hand.

Mr. BURTON. I send the communications to the desk to be read.

The PRESIDENT pro tempore. If there is no objection, the two communications will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR.

Washington, January 24, 1903.

THE CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS, Senate.

SIR: I have the honor to acknowledge the receipt, by reference from your committee, with a request for views thereon, of a copy of S. 6968, entitled "A bill granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona."

In answer to the request I inclose a copy of the report on the bill by the Assistant Commissioner of the General Land Office, under date of the 23d instant.

He has stated therein that he sees no objection to the passage of the bill, as it appears to provide safeguards necessary for the protection and government of the reserve.

I approve of the report.
Very respectfully,

E. A. HITCHCOCK, Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 22, 1903.

THE SECRETARY OF THE INTERIOR.

SIR: By the reference of the honorable Acting Secretary of the Interior, dated January 22, 1903, for early report in duplicate, with return of paper, I am in receipt of a copy of Senate bill 6063, granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona, which bill was referred by the clerk of the Committee on Public Lands, under instructions of the committee, for the views of the Department thereon.

In reply I have the honor to report that as the bill appears to contain the safeguards which are necessary for the protection and the government of the forest reserve, I see no objection to its passage.

The copy of the bill referred, with a copy of this letter, is herewith inclosed.

Very respectfully,

W. A. RICHARDS,
Assistant Commissioner.

THE PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLVILLE INDIAN RESERVATION LANDS.

MR. TURNER. I ask unanimous consent for the consideration of the bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose. It is only fair that I should state in this connection that the Senator from Connecticut [Mr. PLATT] desires to make a statement concerning this bill, but I am assured that the statement will not be very long and that it will not delay the Senate.

THE PRESIDENT pro tempore. The Senator from Washington asks for the present consideration of House bill 159. It has been read in full to the Senate and considered as in Committee of the Whole. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

MR. PLATT of Connecticut. Mr. President, I merely wish to make a statement about what this bill is and what it involves. I will try to be brief, and to come within the five-minute rule.

There was a Colville Indian Reservation. It contained about 3,000,000 acres. It was made by an Executive order. I do not think there was any treaty with the Indians establishing this reservation. Several years ago an agreement was negotiated with the Indians by which half of the reservation, about fifteen hundred thousand acres, was to be opened to settlement, and the Indians were to be paid, under that agreement, I think, a million and a half dollars. If that is not the sum, the Senator will correct me.

That agreement came here and was not ratified by Congress, but Congress proceeded to direct the reservation to be opened, allotments to be made to the Indians, the balance to be sold at a specified price per acre, and the proceeds to be retained in the Treasury and applied for the use and benefit of the Indians. But there was a provision in the act that the fund should be subject at any time to disposition by Congress. It was not an absolutely permanent fund in the Treasury for the Indians.

This land has been allotted; that is, the allotments which were to be made to the Indians have been made. As it stands now the Government is obliged to sell the lands, and while the fund remains not otherwise disposed of in the Treasury to apply the use of it for the benefit of the Indians.

Now, it is proposed to open these lands to homestead settlement under the free-homes act. I know it is useless in the Senate to object to or oppose such a proposition; my objections have been too often overruled. But I wish to state to the Senate that I believe the result of it will be that the Colville Reservation Indians will come to Congress and ask for \$1,500,000 and that Congress will give it to them. I want the Senate to pass the bill with a full understanding of what I believe will hereafter be the result.

MR. STEWART. Will the Senator allow me?

MR. PLATT of Connecticut. Certainly.

MR. STEWART. Does the Senator believe that the Government will be under any obligations to give it to them? By the agreement itself the Government had the right to make other disposition of the fund. Would not this be another disposition, and would it not end the whole proceeding?

MR. PLATT of Connecticut. The Senator knows perfectly well as to that, as he has recently been engaged in the settlement of an Indian claim where it is conceded that the Indians have no legal claim, but that they have certain equities, which are recognized, and they get the money. Now, this is what Congress agreed should be done:

SEC. 2. That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior

from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, as he shall think fit so long as such allotted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

If the Government changes that law and opens the lands for settlement without selling them, I think it must be evident to everyone that the Indians will come forward and claim that they have an equitable right to this \$1,500,000, and they will get it.

MR. TURNER. Mr. President, I merely wish to say that the bill has been reported favorably by the Committee on Indian Affairs and that it has the approval of the Commissioner of Indian Affairs and the Secretary of the Interior. It applies the homestead provisions to the Colville Indian Reservation, which was opened to settlement in 1891 and which is already almost entirely settled, so far as the lands are arable.

As to every other Indian reservation that has been opened to settlement, no matter how much the cost to the Government, it has had the homestead law applied to it; and if Congress follows its well-defined policy, unless an exception is to be made as to the State of Washington, this bill ought to pass.

Since the decision of the Supreme Court in the Lone Wolf case there is no question that these Indians will have no claim for reclamation against the Government, unless it be by virtue of the language of the act which the Senator from Connecticut [Mr. PLATT] has read to the Senate. It will be seen by reference to the report of the Committee on Indian Affairs accompanying the law from which the Senator read that they will have no claim even under that, because that committee in its report to the Senate guard against any such implication. I hold in my hand the report made by Mr. Manderson, from the Committee on Indian Affairs, May 12, 1892, on the bill to ratify and confirm an agreement with the Indians residing on the Colville Reservation, in the State of Washington, which concludes thus:

The committee are also of the opinion that the Indians should be secured in their schoolhouse, sawmill, and gristmill, on Bonaparte Creek, unless they desire to select better locations for these institutions. While unwilling to make payment to the Indians for these lands not used for allotment purposes, the committee recognize a moral obligation on the part of the Government to aid them in their endeavors to attain a higher civilization and ultimate fitness for citizenship, and therefore advise that the proceeds arising from the sale of the parts of the reservation disposed of under the land laws of the United States be deposited in the Treasury to the credit of these Indians, subject, principal and interest, to expenditure in the discretion of the Secretary of the Interior for certain enumerated purposes in promotion of their welfare, but with the unexpended balance at all times subject to the disposition of Congress.

This is simply an act of justice to the State of Washington, and puts the settlers on this reservation on the same plane as settlers on all other lands bought from the Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF NEW YORK.

MR. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF COMMERCE.

MR. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

THE PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill named by him, which will be read to the Senate for its information, subject to objection.

The Secretary proceeded to read the bill, but before concluding was interrupted by

THE PRESIDENT pro tempore. The Chair lays before the Senate the Army appropriation bill, which was assigned for consideration at this hour.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

MR. PROCTOR. Mr. President, in view of the strong and very earnest remarks of the Senator from Maine [Mr. HALE] yesterday in regard to general legislation on an appropriation bill—although he did not press the point of order, he reserved it, and although there are conflicting opinions among good parliamentarians as to whether the amendment which was then under consideration is subject to the point of order or not—to save any question, I ask that section 2, on page 15, including the section

number, down to and including line 7, on page 17, being the staff amendment, be disagreed to.

The PRESIDENT pro tempore. The recollection of the Chair is that the amendment was adopted, but that the point of order was reserved, so that the Senator from Vermont now asks that the vote by which this amendment was adopted be reconsidered. Is there objection? The Chair hears none, and it is so ordered.

Now the Senator from Vermont asks unanimous consent to withdraw the amendment.

Mr. PROCTOR. Yes; I wish to withdraw the amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. PROCTOR. I now ask for a reconsideration of the vote by which the amendment, beginning in line 11, page 40, and ending on line 3, page 41, was adopted. I have a letter from the Surgeon-General regarding it. The amendment in the form in which I now propose to place it will make no material difference, but puts the language in proper form. I move, in line 10, on page 40, to strike out "five" and restore the original word "four," and then to strike out the whole of the following amendment and insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the vote by which the amendment in line 10, on page 40, striking out "four" and inserting "five," and also the amendment adopted, beginning in line 10, on page 40, and going to line 3, on page 41, inclusive, be reconsidered. Is there objection? The Chair hears none, and that order is made.

The Senator from Vermont now asks that the amendment be withdrawn. The Chair hears no objection, and it is withdrawn.

Mr. PROCTOR. I now move to restore the word "four" in line 10, on page 40, so as to make the amount \$450,000, as it originally stood.

The amendment was agreed to.

Mr. PROCTOR. I now ask for the adoption of the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert in lieu of the words stricken out the following:

MEDICAL EXPENSES, FURLOUGHED SOLDIERS, SPANISH WAR.

For the payment, or the reimbursement of payments made, of just bills and charges for the support, care, and treatment, including proper hospital charges, of sick officers and enlisted men of the Regular and Volunteer Armies of the United States while they were absent from duty on leave or on furlough, or otherwise, by direction or by permission of proper authority, on or after April 21, 1898, and up to and including April 11, 1899, in like manner as if the said officers and enlisted men had been on duty at the times when and places where the said bills and charges were incurred, the sum of \$200,000 is hereby reappropriated from the balance remaining unexpended of the appropriation of \$2,000,000, made by the act approved March 2, 1901; and shall remain and continue available for the purposes hereinbefore set forth for and during the term of two years from and after the date of the approval of this act.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. FORAKER. On yesterday the Senate adopted an amendment on my motion, on page 14, after the word "Army," at the end of line 15. I want to amend that amendment which was then adopted. I wish to insert after the word "have," in the last line of the amendment, the words "while so serving."

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent to reconsider the vote by which the amendment referred to by him was agreed to. The Chair hears no objection.

Mr. FORAKER. It was agreed to as in Committee of the Whole, and I suppose it can be amended in the Senate.

The PRESIDENT pro tempore. Yes; but if there be no objection, it can be amended now.

Mr. FORAKER. I desire to amend it now by inserting the words I have stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio to the amendment yesterday adopted on his motion will be stated.

The SECRETARY. The amendment adopted yesterday, on motion of Mr. FORAKER, was, on page 14, after the word "Army," at the end of line 15, to insert:

Provided further, That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer of the Signal Corps as chief of the telegraph and cipher bureau of the Executive Office, who shall have the rank, pay, and allowances of a major.

It is now proposed after the word "have," in the last line, to insert "while so serving."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EFFICIENCY OF THE ARMY.

Mr. BERRY. Mr. President, I rise to ask for the consideration at this time of the motion made by me to reconsider the vote by which the bill (H. R. 15449) to increase the efficiency of the Army was passed. The Senator from Vermont [Mr. PROCTOR] agrees that the vote shall be reconsidered with a view of disagreeing to the amendment which I will indicate if the motion shall be agreed to.

Mr. LODGE. I understand that consent is given simply to make the amendment to which the Senator refers, and that then the bill be immediately put upon its passage.

The PRESIDENT pro tempore. Then the motion to reconsider the vote by which the bill was passed would be withdrawn, and the bill would stand passed.

Mr. BERRY. The motion to reconsider will first have to be agreed to.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the amendments to this bill were ordered to be engrossed and the bill to be read the third time and passed be reconsidered. Is there objection? The Chair hears none, and it is so ordered. The bill is now before the Senate and open to amendment.

Mr. BERRY. Mr. President, I now ask unanimous consent that the amendment reported by the committee, to insert the words "or the Secretary of War" on page 3, section 4, line 4, be disagreed to.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the amendment by which the words "or the Secretary of War" were inserted after the word "President," on page 3, section 4, line 4, be reconsidered, and that the amendment inserting those words be disagreed to. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROCTOR. I move that section 6 of the bill be disagreed to, for the reason that precisely the same provision has just been passed in the Army appropriation bill.

Mr. PETTUS. I ask that that particular part of the bill be read.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. PROCTOR] asks unanimous consent that the vote by which section 6 was agreed to be reconsidered, and that the amendment be rejected.

Mr. PROCTOR. I will withdraw the motion, Mr. President. The amendment will do no harm, I think, as it stands.

Mr. PETTUS. I am not making any objection. I merely want information, so as to know what I am called upon to vote for.

The PRESIDENT pro tempore. The motion is withdrawn.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

REGULATION OF COMMERCE.

Mr. CLAPP. I now ask that the reading of the bill (S. 7053) to further regulate commerce with foreign nations and among the States be resumed at the point where it was left off.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. CLAPP] asks unanimous consent that the bill which was laid aside at the hour of 1 o'clock, and which was partially read, may be further read for the information of the Senate. Is there objection? The Chair hears none, and the Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 7053) to further regulate commerce with foreign nations and among the States, which had been reported from the Committee on Interstate Commerce with amendments.

The first amendment was, on page 1, section 1, line 5, after the word "omitted," to strike out "by any lessee, trustee, receiver, officer, agent, or representative of such corporation" and insert "to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation;" in line 10, after the word "said," to strike out "act" and insert "acts or under this act;" in line 11, after the word "misdemeanor," to insert "committed;" on page 2, line 2, after the word "acts," to insert "or by this act;" and in line 3, before the word "except," to strike out "individuals" and insert "such persons;" so as to read:

That anything done or omitted to be done by a corporation common carrier, subject to the act to regulate commerce and the acts amendatory thereof which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act shall be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in

said acts or by this act with reference to such persons except as such penalties are herein changed.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 15, after the words "subject to," to strike out "the acts" and insert "said act;" in line 16, before the word "whereby," to insert "and the acts amendatory thereto;" in line 19, after the word "said," to strike out "acts" and insert "act;" and in line 19, after the word "commerce," to insert "and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced;" so as to read:

The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine not less than \$1,000 nor more than \$20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced.

The amendment was agreed to.

The next amendment was, in section 1, page 3, after line 8, to insert:

Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission, or failure of such carrier as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the act to regulate commerce or acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this act, shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this act.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 11, after the word "parties," to strike out "all persons," and in the same line, after the word "carrier," to insert "all persons;" so as to make the section read:

SEC. 2. That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 23, after the word "petition," to insert "alleging such facts;" in line 24, after the word "States," to insert "sitting in equity;" in line 25, after the word "parties," to strike out "alleging such practice" and insert:

And when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State.

In line 5, page 5, after the word "court," to strike out "to;" in the same line, after the word "summarily," to insert the word "to;" in line 6, after the word "circumstances," to insert:

Upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary.

In line 11, after the words "of the," to strike out "allegation, to" and insert "allegations of said petition said court shall;" in line 13, after the words "tariffs or," to insert "direct and;" in line 14, after the word "orders," to insert "writs;" in line 15, before the word "and," to insert "writs;" in line 16, after the word "carrier," to insert "subject to the right of appeal as now provided by law;" in line 18, after the word "States," to strike out "under the direction of the Attorney-General;" in line 7, page 6, after the word "transaction," to insert:

The claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying, but such testimony or evidence shall not be used against such persons or corporations on the trial of any criminal proceeding.

And beginning in line 12, page 6, to strike out:

But all carriers, corporations, or shippers whose books and papers are produced in evidence in said proceedings, and all persons required to testify shall have the same immunity from prosecution and punishment, and to the same extent and subject to the same provisions, as is provided for in an act approved February 11, 1887, entitled "An act in relation to testimony before the Interstate Commerce Commission, and in cases or proceedings under or con-

nected with an act entitled 'An act to regulate commerce, approved February 4, 1887, and the amendments thereto.'

So as to make the section read:

SEC. 3. That whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier is engaged in the carriage of passengers or freight traffic between given points at less than the published rates on file, or is committing any discriminations forbidden by law, it shall be authorized to present a petition alleging such facts to the circuit court of the United States sitting in equity having jurisdiction of the parties; and when the act complained of is alleged to have been committed or as being committed in part in more than one judicial district or State, it may be dealt with, inquired of, tried, and determined in either such judicial district or State, whereupon it shall be the duty of the court summarily to inquire into the circumstances, upon such notice and in such manner as the court shall direct and without the formal pleadings and proceedings applicable to ordinary suits in equity, and to make such other persons or corporations parties thereto as the court may deem necessary, and upon being satisfied of the truth of the allegations of said petition said court shall enforce an observance of the published tariffs or direct and require a discontinuance of such discrimination by proper orders, writs, and process, which said orders, writs, and process may be enforceable as well against the parties interested in the traffic as against the carrier, subject to the right of appeal as now provided by law. It shall be the duty of the several district attorneys of the United States to institute and prosecute such proceedings, and the proceedings provided for by this act shall not preclude the bringing of suit for the recovery of damages by any party injured, or any other action provided by said act approved February 4, 1887, entitled "An act to regulate commerce," and the acts amendatory thereof. And in proceedings under this act and the acts to regulate commerce the said courts shall have the power to compel the attendance of witnesses, both upon the part of the carrier and the shipper, who shall be required to answer on all subjects relating directly or indirectly to the matter in controversy, and to compel the production of all books and papers, both of the carrier and the shipper, which relate directly or indirectly to such transaction; the claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying, but such testimony or evidence shall not be used against such persons or corporations on the trial of any criminal proceeding.

Mr. CLAPP. On behalf of the committee I offer an amendment to strike out the words "of the parties" where they occur in line 25, on page 4.

The amendment to the amendment was agreed to.

Mr. CLAPP. Referring to page 6, we provided as to a person giving testimony that the testimony should not be used against him. Upon consultation of the later authorities we find that the immunity is not broad enough, and on behalf of the committee I offer an amendment to the amendment of the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 6, line 7, after the word "transaction," it is proposed to strike out the remainder of the section and to insert in lieu thereof the following:

The claim that such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such person from testifying or such corporation producing its books and papers; but no person or corporation shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or it may testify or produce evidence, documentary or otherwise, in such proceeding.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I rise to renew my request that a day and an hour may be fixed at which a vote shall be taken on the bill known as the omnibus statehood bill, now the regular order. I ask the unanimous consent of the Senate that a vote be taken on the 19th day of February next, at 2 o'clock p. m., upon the bill and amendments pending and those which may then be offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the vote on the pending bill, known as the omnibus bill, and all amendments then pending and all at that time offered, shall be taken at 2 o'clock on the afternoon of February 19. Is there objection?

Mr. BEVERIDGE. Mr. President, I regret that I can not accede to the Senator's request. I wish to say in this connection that the Senator certainly sees that such a consent is impossible. But four prepared arguments have been made upon our side of the question, but two upon the Senator's side, and there has been only a limited amount of regular ordinary running debate. A very much larger number of Senators upon our side of this matter than those who have spoken intend to speak, and I have no doubt a larger number on the Senator's side than those who have already spoken for it wish to defend the omnibus bill. The junior Senator from Wisconsin [Mr. QUARLES] is only in the midst of his able and brilliant argument. He will be followed by the senior Senator from New Jersey [Mr. KEAN] in a carefully prepared, exhaustive, and, I make bold to say, absolutely convincing speech. After him many other Senators desire to be heard. Therefore, the Senator from Pennsylvania will readily see that it is perfectly impossible to consent to the Senator's request.

The PRESIDENT pro tempore. The Senator from Indiana objects.

Mr. QUAY. Mr. President, I will ask, then, whether unanimous consent can be given to take the vote at the same hour on the 2d day of March next?

Mr. SPOONER. Will the Senator make it the 5th? [Laughter.]

Mr. QUAY. I will not.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on the 2d day of March next, at 2 o'clock in the afternoon, without further debate, a vote may be taken on the omnibus bill, so called, and then pending amendments and amendments at that time offered. Is there objection?

Mr. BEVERIDGE. Mr. President, it is impossible to agree upon any specific date.

The PRESIDENT pro tempore. The Senator from Indiana objects.

Mr. QUAY. I should myself have objected to a vote on that occasion if the Senator from Indiana had not. As to his suggestion in reference to Senators upon the affirmative of the statehood issue, that there are a large number of them who desire to address the Senate and who have not yet done so, I will merely state that my request for unanimous consent is not at all offensive to those Senators.

Mr. BEVERIDGE. I did not say there were a large number of Senators on the affirmative side of the omnibus proposition who desired to speak. I said I entertained the hope that there would be a number more than those who have already so ably spoken for it who would desire to defend the bill. Of course if that is not well placed, it is not well placed.

Mr. GALLINGER. It is delusive.

The PRESIDENT pro tempore. The bill is not now before the Senate. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due;

A bill (S. 2450) to establish a fog bell and lens-lantern light on the southeastern end of Southampton Shoals, San Francisco Bay, California;

A bill (S. 5212) granting to the State of California 640 acres of land in lieu of section 16, of township 7 south, range 8 east, San Bernardino meridian, State of California, now occupied by the Toros band or village of Mission Indians; and

A bill (S. 5505) adjusting certain conflicts respecting State indemnity selections in lieu of school sections in abandoned military reservations.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes; and

A bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota.

The message further announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy; and

A bill (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

A bill (H. R. 3100) providing for the conveyance of Widows Island, Me., to the State of Maine;

A bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes;

A bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes;

A bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said

northern district after the addition of said counties into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884;

A bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

A bill (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory;

A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

A bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto in the State of Louisiana;

A bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes;

A bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala.;

A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

A bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State;

A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Eastern Railroad Company;

A bill (H. R. 17083) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk to said court, and for other purposes; and

A joint resolution (H. J. Res. 8) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China.

STATEHOOD BILL.

Mr. QUAY. I move that the Senate proceed to the consideration of the omnibus statehood bill, so called.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the omnibus statehood bill, so called, which will be stated by its title.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. QUARLES. Mr. President, when I yielded the floor yesterday I was contending for the right, and the corresponding duty, of independent thought and fearless investigation on the part of a Member or Senator, and that, while acting here under the sanction of an oath, considering the general welfare of the nation, we are not conclusively foreclosed by the phraseology of a particular resolution which some political convention may choose to adopt.

I wish to draw the distinction between a general declaration of principle by a political convention and a concrete application of it to a given measure. I do not wish to be understood, Mr. President, as calling in question the authority, the binding force, or the sanction of a general declaration of political policy by a national convention. It is entitled both here and everywhere else to the greatest respect.

But, Mr. President, suppose for the purposes of the argument we were to concede the conclusive effect of the platform declaration at Philadelphia, the interpretation put upon the language by the advocates of the pending measure is fallacious and unsound.

In 1896 the Republican convention declared in substance in favor of the admission of these Territories as soon as they were fit. In 1900 by a shorter resolution the Republican convention declared in favor of early admission. I apprehend, Mr. President, that under a fair construction the two resolutions are substantially the same, although phrased differently. It certainly will not be contended that the members of the convention of 1900 had in mind the admission of Territories that were not fit.

Both resolutions contemplated the fair exercise of legislative discretion. And when the matter is all summed up, we find that it is not a declaration in favor of this specific measure or of any specific measure, and after all amounts to no more than this: The Republican delegates there assembled pronounced it as their judgment that the interests of the Republican party would be promoted by the early admission of these Territories as soon as

Congress found that they were fit to be admitted. This is not a foundation upon which to rest this omnibus bill, calling for the admission of a bunch of Territories, but is a mere declaration of general policy to which I am willing to bow and which ought to be held in high respect by the members of that party.

Now, Mr. President, following the suggestion of the report of the committee—

Mr. MASON. The Senator from Wisconsin will not object if I call his attention at this point to the exact language of our platform?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. QUARLES. Certainly.

Mr. MASON. It reads:

We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

Mr. SPOONER. There is something else there.

Mr. MASON. No.

Mr. SPOONER. There is something about home rule.

Mr. MASON. I read that. That is all there is on the subject, and it mentions the three Territories that are named in the omnibus bill.

Mr. QUARLES. I had that language in mind. My proposition, I will say to the Senator, is that "early" does not mean "immediate" or "hasty," nor does it call for premature consideration. The two platforms are exactly in harmony, and neither seeks to exclude legislative discretion.

IRRIGATION AND WATER SUPPLY.

It was suggested in the report that the first consideration perhaps in approaching this discussion was the interests of the Territories themselves, and in that connection I wish to submit an aspect of the question which has not been considered in this debate, which, it seems to me, from the standpoint of Arizona and New Mexico, is entitled to serious attention. If anything has been demonstrated by history and confirmed by this discussion it is that the great need of these two Territories is water. So important is water in view of the climatic conditions that it is water which now determines the measure of productiveness, and not the soil.

We have been informed that only about one-fourth of 1 per cent of the area of these Territories has yet been brought under irrigation. We are further informed that the facilities for irrigation have already outstripped the supply of water. There are aqueducts and ditches that are entirely dry because there is not water to carry on the work of irrigation. No man familiar with the situation can have a doubt that it is water that must develop that country, if it is ever developed, and that its supply is far more important to those communities than statehood can possibly be.

Mr. President, in all my reading I know of only one more important demand for water than is made by these two Territories, and that came from the arid region presided over by his Satanic Majesty, and was the appeal of the rich man to Father Abraham to send him a drop of water to cool his parched tongue.

Now, the next proposition in order is this: The water so imperatively needed can never come from the clouds. It can never be gathered up by private capital or individual energy. There is absolutely no recourse except to the strong arm of the Federal Government. Uncle Sam must come to the front with his millions and by an expensive system of dams and reservoirs lay the floods and torrents under contribution.

Now, the question recurs—and it is worthy the serious attention of every man who is to pass upon this matter, not as a politician, but as a statesman—Will statehood at this time advance or retard this great improvement? I grant that if statehood would promote irrigation the interests of those Territories would lie in that direction. If, on the other hand, it will retard progress in that direction, the real friends of the Territories ought to act accordingly.

Congress has listened to the appeal of these people and has year by year appropriated a vast sum of money for preliminary surveys, for ascertaining where reservoirs could be successfully constructed, for measuring streams, and doing all preliminary work so necessary to the introduction of a general scheme of irrigation. Congress has passed a bill whereby a large portion of the area of the Western country has been devoted to this purpose. We are told by the Senator from Idaho [Mr. DUBOIS] that already, under the operation of that act, some eight or nine million dollars have accumulated, and the expectation is that a very much larger sum will be added to this fund. Furthermore, Congress has given to the Territory of New Mexico 600,000 acres of the public domain to facilitate this general purpose.

Now, allow me to direct attention to the particular framework of this irrigation statute. It will be remembered that it passed this body without debate and without analysis. As the law stands to-day, this enormous fund, together with its accretion, may be taken into these two Territories and expended there in exploita-

tion and development, and the only requirement of the act is an approximate evening up or distribution among the States after a period of ten years. Now, this legislation would seem to offer a great opportunity for these two Territories.

Mr. President, the greatest obstacle which the scheme of irrigation will have to meet is the limited power of the Federal Government and the plenary jurisdiction of the States. The officers of the Government to whom this work will be intrusted must speedily discover that there are serious impediments in the way of an intelligent administration of the measure within the limits of sovereign States.

Let me illustrate. Officers of the United States go to the State of Colorado, for instance, to impound flood waters. Some of you are familiar with her constitution. In her organic law she has laid down certain principles regarding the appropriation and distribution of water. Not only that, but she has built up a system of local statutes and a whole network of decisions, and around those are clustered usages and customs which have the force of law. We go now, for the purpose of administering this act, into the sovereign State of Colorado. Can we appropriate water from any one of her streams? Why, Mr. President, not at all. By her constitution she has asserted that the exclusive jurisdiction over those streams belongs to the State of Colorado. The question of navigation not being involved, her authority over those waterways is supreme. We can never divert the water from any stream in Colorado without an enabling act from her legislature.

Suppose we get legislative permission and the Government builds the necessary dams and reservoirs and we have succeeded in impounding the flood waters of one of the Colorado streams. Thus far we have proceeded by the permission of the State. Now, the minute we conduct from that Federal reservoir a stream of water into an aqueduct or a lateral or a ditch it falls immediately under the jurisdiction of the State of Colorado. Its laws attach to it; we must observe its usages and its customs, which are diametrically opposed to the common law. What then? The United States has absolutely lost all control over that stream of water as soon as it has left its reservoir.

The State of Colorado may suspend its jurisdiction over a stream to permit us to appropriate water; but it never can, and never will suspend its system of laws, or surrender its usages and customs regarding the appropriation and use of water. So that you have the United States Government there engaged in a great scheme involving enormous expenditures, which scheme the Federal Government is powerless to control.

Now, let me tell you what will happen—and the officers of the Government will be quick to discern this as soon as they begin to carry it out in actual detail. You have built great reservoirs. You have stored your flood water. You are proceeding to distribute it. You are obliged to carry your aqueduct over a private estate. The owner of that estate objects. You must either abandon your scheme or you must have recourse to condemnation. You institute your proceedings of condemnation, and then you meet a very serious question, which, briefly stated, is this: While engaged in distributing water over a titled area, such as you would have to do in a State like Colorado, is it a legitimate Federal public purpose? That question lies at the very foundation of your right to proceed. Can the United States condemn land to carry on the business of selling water? So growing out of the dual relation of the Federal and State governments and the different systems of laws, you will in the various States encounter no end of difficulties, perplexities, and complications.

Mr. HANSBROUGH. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. QUARLES. With pleasure.

Mr. HANSBROUGH. I ask the Senator if that is not the case with respect to all great questions like this? Do we not have complications and tribulations and troubles until the question is thoroughly sifted out in the courts of the country?

Mr. QUARLES. I do not know any place on this green earth where trouble does not come. I have never yet known any great project to be adopted where there were no complications. I am about to speak in a moment of the condition in these Territories as compared with States and to suggest that this scheme can be carried out with far less difficulty, with fewer complications, in a Territory than in a State.

In this connection I may say now that when the Government goes into its own territory it has to reckon with no other sovereign. It also has an influence in framing the laws controlling the exercise of the right of eminent domain. Congress has the power to supervise the enactment of Territorial laws, and presumably the statutes in those Territories, under the circumstances, would be framed to facilitate this scheme. Every facility within the lawmaking power would be afforded.

The streams of a Territory are under the exclusive control of Congress. You are not compelled to appeal to the sovereign will

of a State. There the Government finds large masses of unappropriated land, and I would suggest to the Senator from North Dakota that that is a most important circumstance as bearing upon the constitutional question and the Federal authority to engage in this enterprise at all.

If the unappropriated area is sufficiently large, so that the Government as a primary purpose is seeking to improve its own land, that might be held and would undoubtedly be held by the courts to be a legitimate Federal purpose. But in a State which has been settled, where the lands have been appropriated, this Government in distributing water for sale among settlers perhaps would stand upon the same footing as any other great proprietor who was distributing water for hire. But in a Territory where it has great areas of unappropriated land the question presents entirely a different legal aspect. The Government goes in and takes possession of a stream. It impounds the flood waters and carries its aqueduct over its own territory for the purpose of improving its own land. Such a state of facts would simplify the question.

Mr. President, the people of these two Territories have become excited over the question of statehood, and nothing is more natural. We can all understand it, especially we who have lived in a new Territory. But I submit it to the candid judgment of all who hear me, whether in view of these propositions the people of New Mexico and Arizona will not be entitled, almost of right, to have the larger portion of this fund expended within their own limits to the exclusion of States, and to have all the experimentation done there, and is not that of greater benefit, of greater import to those Territories than to acquire the status of statehood?

As I look upon it, Mr. President, statehood at the present time would be an impediment, an obstruction, and therefore a calamity to these Territories. If they should unite their energies under this beneficent act of Congress to secure the expenditure of that sum of money within their own area reclaiming lands, furnishing homes and farms for thousands of settlers, they need not then trouble themselves about statehood. Population will come, wealth will come, and statehood will follow as certainly as night follows day.

Mr. President, if I understand the attitude of Arizona, if I comprehend the arguments which have been made here in her interest, statehood is desired as a stimulus. Statehood is looked upon as desirable because it will attract large numbers of people, because it will attract capital; but in my humble judgment the irrigation scheme will bring to them all of these desirable elements much more quickly and much more surely than the acquisition of statehood.

Mr. DUBOIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. QUARLES. With pleasure.

Mr. DUBOIS. I was paying close attention to the Senator from Wisconsin, but I may have misunderstood him, notwithstanding. Was the Senator arguing that when the Federal Government went into the State of Colorado it would there be confronted with the Colorado laws and it could not interfere with them, because Colorado was a sovereign State; but that in going into these proposed States of New Mexico and Arizona, they being under the control of the Government, it would not be restricted as in the State of Colorado?

Mr. QUARLES. Yes, sir.

Mr. DUBOIS. I would ask, then, if the Congress of the United States has not authority to waive any rights which it might have in those two Territories. Is the Congress of the United States able by legislation to waive any rights which it might have in the Territories of New Mexico and Arizona?

Mr. QUARLES. I did not catch the Senator's point. I do not understand the waiver of which the Senator speaks.

Mr. DUBOIS. I understood the Senator to agree to the proposition that when the Federal Government goes to the State of Colorado to build reservoirs, canals, dams, etc., it can not contravene the laws of the State of Colorado—

Mr. QUARLES. Yes.

Mr. DUBOIS. That it is a sovereign State. Now, then, can it contravene, for instance, the laws of New Mexico and Arizona?

Mr. QUARLES. Undoubtedly. Congress has supervisory control over all Territorial legislation.

Mr. DUBOIS. Very well. Then I come to my question again: Has Congress the power to waive its right to set aside any statutes of the Territories of Arizona and New Mexico?

Mr. QUARLES. Congress has no power to divest itself of any legislative function. The Constitution imposes that upon Congress, and it would be beyond the power of Congress to divest itself of that discretion.

Mr. DUBOIS. As I said the other day, I am not a lawyer, and therefore I can not follow these refinements; but Congress has done that very thing in the irrigation act which I have here.

Mr. QUARLES. I will say to the distinguished Senator that if Congress has assumed to do such a thing the act was utterly nugatory and void.

Mr. DUBOIS. If the Senator will pardon me, I will read the act of Congress. This is section 8 of the national irrigation act passed by Congress. It says:

That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof.

Mr. QUARLES. There are two branches of that proposition, of which I will speak separately, if the Senator will permit me. The first declaration, that it is not intended to impinge upon the legislation of the State, is, of course, a truism. Congress could not do that. The proposition that it was not intended to change any of the laws of a Territory does not involve any renouncement of the power of Congress in that regard. It simply indicates that there is no present purpose in that particular act to do that thing.

Further, I will explain to my distinguished friend from Idaho, Congress has not, as he will see by reflection, undertaken to withdraw or renounce any of the control that it has over Territorial legislation. It amounts to a statement that for the time being it is satisfied with the legislative conditions in those Territories, and it goes no further.

Mr. DUBOIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. QUARLES. Certainly.

Mr. DUBOIS. Of course I feel my disadvantage in arguing a point which is a legal proposition with the distinguished Senator and able lawyer from Wisconsin, but this word is used here, which is a very strong word, it seems to me:

That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere—

Mr. SPOONER. In that act.

Mr. DUBOIS. No—

with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation.

It is not to interfere with the laws of any Territory covering this whole irrigation problem.

Mr. SPOONER. Does the Senator take that as a contract binding Congress never to interfere with existing laws on that subject in any Territory, or does he construe it as my colleague does? My colleague needs no help from any source in the discussion of such a question or any other, but I insist that he correctly construes it as a declaration by Congress that it is not intended by that act to interfere with any laws existing in the Territories.

Mr. DUBOIS. It is that Congress shall not interfere in respect to irrigation laws; that it shall place the Territories on precisely the same basis as States in regard to its laws on the subject of irrigation.

Mr. SPOONER. Congress could not place the Territories on the same basis as the States, beyond its power to change it.

Mr. DUBOIS. I will say to the Senator from Wisconsin that I was one of the subcommittee to draw the present act, and there were some able lawyers on the committee. It was a committee of 17, composed of representatives from each of the arid and semiarid States and Territories. One question which we discussed, and the hardest question for us to decide, was whether the States and the Territories should have the control all the time or whether Congress in passing this national irrigation act should come in and assume control, affecting the distribution and use and conservation of waters. We decided that the laws of the Territories and States should govern. That was the intention of those men, and, as I said, there were a great many lawyers on the committee.

Mr. SPOONER. But, if the Senator will permit me, did this committee decide that where a Territory had been admitted into the Union with a constitution which gave the new State control over waters originating in the State Congress had the power to abrogate that constitution and assume that control on behalf of the General Government? My colleague said that the declaration in this act that the act should not be construed to interfere with the rights of the States or the laws of the State was a truism. Is it not so?

Mr. DUBOIS. Yes.

Mr. SPOONER. Is it anything more than that?

Mr. DUBOIS. No; it is a truism.

Mr. SPOONER. It is a truism?

Mr. DUBOIS. Yes.

Mr. SPOONER. In other words, it is an assertion by Congress that this act is not intended to do—

Mr. DUBOIS. Something which it could not do?

Mr. SPOONER. What the act could not do?

Mr. DUBOIS. Certainly.

Mr. SPOONER. But is it not true that as to the Territories an entirely different rule prevails?

Mr. DUBOIS. I should think not.

Mr. SPOONER. Have we not the power to enact all the legislation for the Territories? Have we not the power to overrule and abrogate every act passed by the legislature of a Territory?

Mr. DUBOIS. Undoubtedly.

Mr. SPOONER. Then, does that mean anything more than what was stated by my colleague, that that act was not intended to abrogate the existing laws of the Territories on the subject of water?

Mr. DUBOIS. Plainly not, in my judgment.

Mr. SPOONER. Very well; that is all my colleague asserted.

Mr. DUBOIS. Oh, no. The Territory could pass a law, for instance, and Congress could refuse to sanction that law and destroy it; that Congress could do. If, however, they had not passed a law and Congress says we will allow you to pass this law, they would have authority to pass it.

Mr. SPOONER. But that—

Mr. DUBOIS. Congress now gives up the right—

Mr. SPOONER. No; Mr. President—

Mr. DUBOIS. In this act to interfere with the laws of the Territories, knowing that it could not do it.

Mr. SPOONER. No; the act says that it shall not be construed to interfere with any law passed by the Territorial legislature; in other words, that it is not intended to repeal any Territorial legislation.

Mr. DUBOIS. No; that it shall not interfere with those laws.

Mr. SPOONER. It does not say that.

Mr. DUBOIS. I-n-t-e-r-f-e-r-e.

Mr. SPOONER. But that is that this act shall not interfere with them. Does the Senator not see the distinction between a statement by Congress that a particular act was not intended to interfere with the Territorial legislation and the proposition that Congress has abdicated the constitutional function and will never exercise the power to abrogate any Territorial act which it has passed?

Mr. DUBOIS. Now let me reverse it. Do you suppose that Congress, after having passed that act, would interfere and change the laws of these Territories in regard to the use and distribution of water? Is it not a guaranty that it will not?

Mr. SPOONER. Mr. President, that begs the question. The Senator says Congress has guaranteed that it would not; in other words, that Congress has abdicated its power.

Mr. DUBOIS. Yes.

Mr. SPOONER. By contract?

Mr. DUBOIS. Yes; by law.

Mr. SPOONER. Not to change any act of any Territory that regulated the use of water, I say, as my colleague says, that Congress has done no such thing. I say that all Congress has done, and all Congress can do, so far as the Territory is concerned, is to say that the particular act in which you find that language is not intended to abrogate any law existing in the Territory regulating the use of water. The Territory is the United States in a sense. It belongs to the United States, and the Congress of the United States, representing the Government legislatively, does not enter into a contract with itself that it will not change laws which itself through a delegated authority has enacted.

Mr. DUBOIS. Now, Mr. President—

Mr. SPOONER. In other words, I insist, just as my colleague does, that Congress is as free to-day as it was before that act was passed to enact laws for a Territory regulating the use of water, if in the judgment of Congress the public interest requires it. Does the Senator mean to contend here that this irrigation act is a contract between Congress and a Territory, and that Congress never will interfere, no matter what the public interest may demand, with some act passed by a Territorial legislature regulating the use of water?

Mr. DUBOIS. I intend to say this: I agree with the Senator from Wisconsin that this language is a truism so far as the States are concerned and that Congress intended to put the Territories on the same footing with the States. It says in express terms that it will not interfere with the laws of the Territories in regard to the use and distribution of water. I would agree that Congress could reverse itself and interfere in a Territory; but it says here plainly that it will not interfere, and I assume that Congress will maintain that position. What I am objecting to is that under the language of that act the Senator from Wisconsin argues that Congress will interfere.

Mr. SPOONER. No; I did not argue that.

Mr. DUBOIS. He was making a distinction in regard to the use, distribution, storage, etc., of waters in the States and in the Territories.

Mr. SPOONER. I did not argue, nor did my colleague—

Mr. DUBOIS. I meant your colleague.

Mr. SPOONER. My colleague did not argue that this was an assertion by Congress that it could not interfere, or that it could be construed by any possibility as an agreement that it would not interfere. It is only a declaration by Congress that that act is not intended to interfere with the legislation of any Territory regulating the use of water. But when the Senator goes beyond that and contends that it is a contract on the part of Congress that the legislation of a Territory regulating the use of water is beyond its reach until statehood, I enter my protest.

I beg my colleague's pardon. I intended to give him a rest; that is all.

Mr. DUBOIS. I beg the pardon of both Senators, but I do not propose, even by such adroit and able lawyers as they are, to be diverted. The Senator's colleague was arguing in regard to this very act, that the money set apart would be in this fund, and he was proceeding to discuss the effect of the irrigation act, and in discussing the act he puts the Territories in a different class from that occupied by the States.

Mr. SPOONER. No, Mr. President, he did no so far as this act was concerned, as I understood him, and I listened to him carefully. He said that this act Congress did not intend, and it so declared, to interfere with any legislation in the Territories regulating the use of water. He said that in this act Congress did not intend to interfere, as it could not, with any act of a State regulating the use of water.

Mr. DUBOIS. Yes, I will agree to that.

Mr. SPOONER. Did my colleague intimate that Congress by this act had lost the constitutional power to regulate for itself the use of water in the Territories hereafter? I did not so understand him.

Mr. DUBOIS. No, nor did I say it. You must have misunderstood me.

Mr. SPOONER. Well, I may have done so, but I think not.

Mr. DUBOIS. I stated that he was arguing the effect of this act—

Mr. SPOONER. Then we agree.

Mr. DUBOIS. And he illustrated it by referring to Colorado, in the first place, and then went to the Territories and proceeded to show that Congress could do in a Territory what it could not do in a State. Is not that a fair statement of it?

Mr. SPOONER. That is true.

Mr. DUBOIS. I say that he was arguing that this act itself provides that there shall be no distinction so far as the use, distribution, and conservation of water and all things appertaining to irrigation is concerned between a State and a Territory.

Mr. QUARLES. Mr. President, let me illustrate what I mean, so that my friend from Idaho [Mr. DUBOIS] will have no doubt whatever about my position. I think the distinguished Senator has misunderstood me as he evidently did the distinguished lawyers who were trying to enlighten his conscience at the time that bill was before his committee.

Congress, by that enactment, said that it recognized—as indeed it must—the enactments of the several States on this subject. Right there I wish to say that recognition is not of a single system or a single code of regulations, but, if the Senator will look into it, he will find one law in California, another law in Colorado, and still another system in Idaho. The law governing the appropriation of water has been infected by the particular uses that were desired to be made of water in the particular localities. For instance, where water was used for mining purposes, one system grew up and usages ripened into law. So the recognition Congress was bound to make in that irrigation act included all those varied and diverse systems, and the Government would have to reckon with each one of those independent sovereigns and their absolute laws and customs whenever it entered their territory. That is the force of the first part of the concession made in the irrigation bill.

The second proposition amounts, as my distinguished colleague says, to nothing more than this: That for the time being by this particular bill Congress does not choose to change any of the laws in any of the Territories now governing the use and appropriation of water, but the power to do so still remains unimpaired by any provision of that bill.

Let me illustrate: As soon as the attention of the Federal officers who are to administer that irrigation act is called to these fundamental principles I believe they will see the importance of trying this great experiment where they will not be fettered by State jurisdiction and State laws. If it should be found necessary to condemn real estate in the Territory of Arizona to carry out this great project the Government might find it necessary to change the laws of that Territory regulating the exercise of the right of eminent domain in order to facilitate that work. That power the Government would have, and it would undoubtedly be exercised in the interest of the scheme of irrigation.

If the Senator will look into the law, he will see how great a part the right of eminent domain will play in the extension of any irrigation system. That advantage we would have in the Territory. That is one of the reasons why I say that if the people of Arizona and New Mexico, instead of devoting their energies to acquiring statehood, had combined to secure the appropriation and use of this money within their Territories in the first instance, and had appealed to the almost unlimited discretion of the officers under the irrigation law they would, in my humble judgment, have promoted the interests of their section much more than by holding statehood conventions and sending Delegates here to try to hasten admission into the Union.

SPECULATION AND EXPLOITATION.

Mr. President, the second proposition that I wish to advert to briefly also concerns the Territories of Arizona and New Mexico. It is that the people of those two Territories have not yet reached a stage of development where they can safely dispense with the control and restraint of the Federal power. The evidence that has been presented by the committee shows conclusively the efforts that have been made in both Territories to escape or resist the control imposed by the Harrison Act. We find already that in certain parts of both Territories the rate of taxation has risen to the enormous level of 5 and 6 per cent. Such a rate of taxation is, of course, ruinous. These Territories are not exceptional in this regard. It seems to be an irresistible impulse on the part of new Commonwealths to run in debt; it is as irresistible and inevitable as the teething process with children. It is easily understood.

In new communities there exists a local public spirit, which is of great value in promoting development, but it can easily be aroused and fanned into a flame of excitement; so, I say, there is nothing exceptional in the situation of these Territories. But, Mr. President, the era of exploitation is certain to come to each of these communities as soon as statehood is granted. The promoters, the sharpers, will go to the new States, and their numbers will be like the locusts that invaded Egypt. There is one crop to be garnered in a new State which is not dependent on irrigation, and that is a crop of State and municipal bonds. If I mistake not, there is evidence that some astute husbandmen are prepared to gather this crop, which will fructify under the genial influence of statehood even in the arid region.

The Good Book has it that "Whosoever the carcass is, there will the eagles be gathered together," and, if I mistake not, if we should admit these two Territories as States there would be savage work done with beaks and talons. An era would be ushered in there such as we have seen in other States.

Take my own State as an illustration, or the State of Minnesota, whose able representative [Mr. NELSON] addressed himself to this question. Those States were settled by a strong, hardy race of pioneers. They were an intelligent people, many of them coming from New England and New York. They were well versed in the arts of government; and yet as soon as they took on the mantle of statehood there was opened up just such an era of exploitation. I have lived to see the sad effect of it upon those communities. I have seen cities and counties bond themselves for large sums of money for the building of railroads, and I have later seen the grass growing in the streets of those cities; I have seen them reduced to the humiliation of repudiation, carrying on long, vexatious lawsuits, many municipalities unable to have any local officers for fear of the service of a writ from the United States court with a view to enforcing those obligations. I have seen them, with their officers-elect, meeting only for a single occasion to pass the budget, and then all resigning, so that there would be nobody upon whom process could be served. In that way the whole progress of those municipalities was retarded for many long years.

The distinguished Senator from Minnesota spoke of the experience of his State in this regard. History repeats itself, and what happened in the States to which I have referred will happen in these proposed States. It is natural and easy for promoters to go into new communities and represent the great necessity of railroads, the great agency of building up infant communities, and the insidious suggestion is made at public meetings and elsewhere and through the press that all the State or the municipality has to do is to lend its credit to the scheme, that eventually it will be self-sustaining, will pay every dollar on demand, and will relieve the municipalities. But those suggestions are delusive, and in almost every instance the State or municipality issuing the bonds has been obliged in the end to pay the debt.

We have had here evidence from Arizona as to the issuance of Pima County bonds. I do not purpose to follow that subject at length, but it is only one of the features of what has been going on which indicates the restlessness of those communities, and their desire to promote their own growth by these adventitious aids. What would happen there now if we should take off the restraint of the Federal Government, if we should withdraw the protection of the Harrison Act, which prevents any of those

municipalities from encumbering themselves to a greater extent than 4 per cent of the assessed valuation?

Their new liberty might be exercised in plunging themselves in debt to aid a multitude of schemes for internal improvement which would be presented in an alluring shape as calculated to build up the waste places and bring lasting glory to the new State.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. QUARLES. Certainly.

Mr. BEVERIDGE. I call the Senator's attention to the fact that the first witness who appeared before the subcommittee in Oklahoma made an argument against statehood even for Oklahoma, a very highly developed community, upon the ground that they were very prosperous and contented there now, and that railroads were being built with the money of investors who were investing their money as a legitimate matter, whereas, if they were admitted as a State and the 4 per cent limitation were removed, there would instantly be competition among the towns, as there had been in the past, and that the people would be burdened, as they have in other States, with an enormous amount of unnecessary debt; that if they remained as they were for a short time they would have all the railroads that they needed without any expense to the people. I saw a clipping in the Washington Post from some railroad journal, which I intended to bring down here, which went on to say that the Rock Island Railroad Company had determined to expend something like \$20,000,000 in the extension of its lines in Oklahoma and the Indian Territory. If the 4 per cent limitation were removed, this witness argues, the people would build those roads themselves instead of their being built by subsidies. Certainly that is true of certain enterprises elsewhere in other Territories.

Mr. QUARLES. I am very thankful, Mr. President, for the suggestion of the Senator from Indiana. As he well intimates, if we continue those communities under the protecting care of the Federal Government, the railroads that ought to be built will be built by private capital. On the other hand, if we confer statehood now upon those communities, it requires no prophet to predict what will happen there. Railroads will be built that never ought to be built, and they will be built upon the strength of State and municipal bonds that never ought to be issued. In a short time, as the Senator says, if they remain in their present condition, they will have built those roads which are justified by the condition of the country, and will not engage in fatuous speculation such as all the recently admitted States have been concerned in.

Mr. President, we are advised by the evidence that a system of schools—a comprehensive system of education, I may say—has been established in these Territories. It seems to me far wiser that these schools should be permitted to do their perfect work, allow that people to become better capable of taking care of themselves, of administering the affairs of government, and acquiring greater resisting power in order that they may not be involved in these speculations when the invasion of exploitation shall come.

THE ORDINANCE OF 1787.

I wish to say a few words regarding the capacity of these two Territories for admission at this time. This omnibus bill suggests an illustration that a chain is no stronger than its weakest link, and an omnibus bill is no better than its worst provision. Therefore if it has been demonstrated here that either of these Territories is unfit for any reason for present admission, that should be an end of this entire measure. If Arizona has not sufficient population, or a population of such character as to entitle her to statehood, that is the end of the whole proposition, and we may dismiss it at once.

Much has been said regarding the question of population. It would be difficult, looking over the history of this country, and especially reviewing the acts admitting the several States, to arrive at any rule that ought to obtain in this case. The distinguished Senator from Ohio [Mr. FORAKER], who seems to be almost the only Senator in favor of this measure who has skill or tact enough to attempt to defend it on the floor, made a long review of the various acts whereby States had been admitted to the Union. He discussed at great length the ordinance of 1787.

All the States that were admitted pursuant to the provisions of that ordinance, or pursuant to legislation extending that ordinance, stand in a class by themselves. They were admitted by reason of a distinct, definite compact, which was made by the early Congress with the people of the territory, and I think it is greatly to the credit of this nation that Congress saw fit to carry out that pledge to the very letter, although the ordinance itself was probably repealed by the Constitution.

In the first place, the ordinance of 1787 has no direct bearing upon the measure under consideration. These Territories are not included within its provisions. Then it remains simply to determine whether there is any argument by way of analogy to

be made from the circumstances attending the admission of those States under that ordinance. I undertake to say that there is no analogy from which any deduction can be made at this time which is at all persuasive.

"Times change, and we change with them," and one has only to think for a moment of the situation in which this country was when the ordinance of 1787 was adopted to realize how futile it is to apply the doctrine of analogy in this case.

At that time, as suggested by the distinguished Senator from Massachusetts [Mr. HOAR], steam was a sleeping giant; it had never turned a wheel or moved a paddle; electricity was only manifested by the lightning flash, which was looked upon as an emblem of the wrath of God. Beyond that narrow fringe of settlement along the Atlantic coast there stretched a trackless wilderness inhabited by hostile tribes. The States were few and feeble; they had been decimated and impoverished by a great war; they were torn asunder by internal discord; they were distressed by jealousies; they were smarting under the taunts of the monarchical governments of Europe. It was a life and death struggle then to establish in this new hemisphere the foundations of a free government. There was nothing strong about the Confederation at that time except the patriotic spirit of the old heroes who were concerned in administering that Government. It has been called a rope of sand. The necessity at that time for new States to make this feeble Government more strong and stable was such that every inducement had to be extended to the hardy pioneers to go into the forest and reclaim it and bring it into civilization, so that new States could be created to give greater strength and fiber to the Confederation.

The rule of the ordinance of 1787 was continued far beyond the emergencies out of which it arose; but we are dealing with the condition which prompted the adoption of that ordinance; and when we come to compare it with the present condition of this Union see how the analogy fades out. To-day we have 45 great States. They are wealthy and powerful and independent; they have no occasion to fear any power on this earth; their flag is honored and respected wherever it flies. Is there any emergency at this time which dictates as a matter of prudence the bringing in of additional States into this Union? Manifestly not. No such suggestion has been made in this debate, nor will be, that the Union, the Government, has any reason, prudential or otherwise, for bringing these Territories into the galaxy of States at this time. It is simply a question of doing justice to those communities that are demanding admission; nothing more.

Mr. BEVERIDGE. I listened with interest to what the Senator had to say about the ordinance of 1787, and I thought perhaps he was going to pursue the subject further. If not, I wish to call his attention to the fact that those Senators who have thus far spoken on this side with respect to that ordinance do not contend, of course, that the ordinance should apply now. We merely cite that as we cite the rule of the unit of representation or any other rule to show that a Territory, while it is not contended that it should have any specific number, should have a fair proportion in comparison with the rest of the country. That was the force of our suggestion and the extent to which it went.

Mr. QUARLES. I appreciate and understand the purposes for which the committee dealt with the ordinance, but I inferred from the long and brilliant argument made by the Senator from Ohio [Mr. FORAKER] that he went further than the committee; first assuming to criticize the interpretation of the ordinance made by the committee, and that he intended his argument to proceed a step further and to throw light upon the present contention by reason of the fact that States have so recently been admitted having only 60,000 inhabitants, maintaining that right under the ordinance of 1787, as it has been extended.

Mr. BEVERIDGE. That is correct.

Mr. QUARLES. And it has been extended further than has been suggested in this argument. If it were necessary, I could call attention to a statute that has been overlooked in this debate, which extended the doctrines and provisions of the ordinance of 1787 over the Dakotas. But it is quite immaterial to refer to that, because the Dakotas had an abundant population to admit them upon any principle without the invocation of any special rule.

The Senator from Ohio [Mr. FORAKER] proceeded further and reviewed the admission of certain other States which were admitted during the war period or shortly afterwards, and he admitted himself, as of course everyone knows, that there was then another emergency pressing upon this nation, an emergency to have a certain number of States in order to effectuate what was known as the war policy or the policy of reconstruction.

I say, Mr. President, there is no analogy whatever to be drawn from the fact of the admission of that group of States, because there, as in the case of the early States, the acts of admission were dictated by an imperative emergency, and it was thought that the emergency was such as to warrant the admission of those States

even though the population was below the number which ordinarily would be required to equip a Territory for statehood.

Mr. President, the learned Senator from Ohio proceeds to build up what he calls a rule, and I wish to address myself to it for a moment. If I understand his argument, it was something like this: After the rule of the ordinance of 1787 had passed away there was, by some common consent, a new rule, namely, that the population which was equal to the ratio of representation should be the test of admission. If I were arguing from his premises I should evolve a rule exactly opposite to that arrived at by the Senator from Ohio.

It will be noted that the Ordinance of 1787 fixed a maximum number. Discretion operated below that maximum of 60,000. The more recent authorities that he produces would seem to fix the minimum as the ratio of representation, and discretion may be exercised above the minimum and not below it. That is to say, that a Territory to be eligible for consideration must have at least the number of people that would admit them to representation in the lower House, and the zone of discretion is reached when you get above that number.

But he has formulated a convenient rule—a rule exactly adapted to the emergency of his argument. It makes the number of the ratio of representation a maximum which entitles to representation, and, to use his language, "New Mexico is entitled to representation," while Arizona, with less than the requisite population, is entitled to the tender consideration and discretion of Congress. No such rule is recognized by any law, ordinance, or treaty. It is supposed to have sprung out of a consensus of opinion, or unwritten tradition, if you please. The current of opinion, as I gather it from these sources, is entirely different from that stated by the Senator from Ohio. It requires a Territory to show that she has people enough to entitle her to representation as a condition precedent. So far as this question is one of representation, that is a logical position.

But, Mr. President, the question we are discussing here is not confined to or limited by the rule of representation. That is but one element of it. There are other considerations besides the numerical strength of the population. When a Territory has made itself eligible by showing that it has enough people to entitle it to representation, then begin the inquiries: first, whether the people are sufficiently advanced in education and in civilization to entitle them to stand upon an equal footing with the other States; secondly, whether the territory occupied by them has resources sufficient for all time to maintain that population. For instance, a mining craze in Arizona might have brought into that Territory for the time being a population sufficient to equal the ratio of representation. But on examination we might find that the mines were liable to fail; that there were no other resources to maintain so large a population, and in a short time a general exodus might be expected. The discretion of Congress would therefore be invoked to determine whether, under all the circumstances, notwithstanding the presence of a sufficient number of people, it would be wise to admit the Territory as a State. No, Mr. President, there is no rule which makes the number of people the sole or conclusive test.

TREATY OF GUADALUPE-HIDALGO.

The Senator argues that there is some moral obligation resting upon us in this case growing out of the treaty of Guadalupe-Hidalgo. I can not agree with the distinguished Senator in that respect, although I make the assertion with diffidence, owing to his great legal ability. The first proposition I would suggest is this: The Constitution confers upon Congress, without limitation, the discretion to admit new States. Can that discretion be bargained away by the treaty-making power? Can the treaty-making power enter into a compact with Mexico to deprive us of that constitutional discretion? Mr. President, it seems to me that the statement of the proposition is its own refutation. That discretion was not impaired one iota by that convention with Mexico. Unlike the Ordinance of 1787, that treaty was a compact with another sovereign and not with the people. Mexico could enforce, perhaps, against us, that treaty, but we have made no compact with the people who inhabit that Territory as we had with the people of the Northwest Territory.

Let us examine the treaty of Guadalupe-Hidalgo. It does not, by its terms, assume to impair our legislative discretion. The Senator speaks often of the parenthetical clause wherein occurs an express recognition of our discretion. Suppose that parenthetical clause were stricken out, would it change the reading or the meaning of that treaty? It would then stand merely stipulating that those Territories are to be admitted into the Union "at the proper time." Strike out the parenthesis, and who would determine when the proper time had arrived?

Mr. BEVERIDGE. Or even strike out "the proper time."

Mr. QUARLES. Or, as the Senator from Indiana says, go further and strike out the clause regarding the proper time. To

what power would the question be referred? Manifestly to Congress. But, Mr. President, it is idle to discuss that question, because the parenthetical clause was added, the words "proper time" were employed, referring distinctly to the discretion of Congress.

But the Senator makes an argument on the meaning of the other phrase—"the principles of the Constitution"—and, if I understood his argument, it was that "the principles of the Constitution" indicated the presence in a Territory of a number of people equal to the ratio of representation. I can not agree with the Senator there. The principles of the Constitution referred to in that treaty were two: First, that there should be found in that Territory a republican form of government, and secondly, that the admission should be conformable to the discretion of Congress, with whom alone it is lodged by the Constitution. Those are the only two references in the Constitution to this subject, and presumably the only ones to which reference was made by the diplomats who framed that treaty.

So we come back again to the same proposition, that the integrity of legislative discretion on this question has never been impeached or impaired. Statehood is here to-day as an original question. It stands here to-day free from any emergency or exigency that should constrain our action. We stand here bound to exercise our discretion wisely in view of all the facts and circumstances that are brought to our attention.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. QUARLES. Certainly.

Mr. BEVERIDGE. I dislike very much to interrupt the Senator, because his succession of points is very clear, but with his permission I will say that I was particularly struck by what the Senator said about the fact that the provisions of the Constitution giving Congress the power, the discretion, to say when a Territory shall be admitted could neither be added to nor subtracted from by the provision of any treaty or the omission to put any provision in any treaty; and that even if the words "proper time" and the parenthetical clause "to be judged of by Congress" had been left out of the treaty of Guadalupe Hidalgo, the same power would be there and the same limitation would be there, because the Constitution would be read into the treaty, of course.

Mr. QUARLES. Yes.

Mr. BEVERIDGE. Now, then, that being true, and all lawyers and everybody else will admit it, is it not a significant fact, a fact which requires our particular attention, why it was put in by the drafters of that treaty? They knew all those things, nevertheless they inserted those words, which from a legal point of view were unnecessary. There must have been some reason for that, and that is emphasized by the further fact that that language has never occurred in any other treaty adopted before or since. It is only with reference to New Mexico and Arizona and the territory we acquired from Mexico that there were inserted the words "at the proper time, to be judged of by Congress." The fact that they did that, from a legal view unnecessary, and did a thing which never has been done in any treaty before or since, suggests that there must have been some very conspicuous reason before those who drew that convention, and that reason no doubt exists to-day.

Mr. QUARLES. I am very thankful to my friend for having made that suggestion, and I do not feel at all at a loss to understand the motive which prompted the inclusion of that language. There could have been no other, except overcautionness on the part of the people who were negotiating that treaty, to make sure that the discretion of Congress should be unimpaired whenever the question of admitting those Territories arose; and it was wisely done, for now there can be no question as to the proper interpretation of the treaty, and no room within its four corners for such a rule as the Senator from Ohio laid down.

CAPACITY FOR STATEHOOD.

Mr. President, there is one proposition touching the fitness of these Territories which has not been specifically referred to in this debate, to which I wish to make reference for a moment. With great pains the statistics have been tabulated by the several Senators who have spoken upon this question. We know exactly the rate of illiteracy in these Territories. We know the number of foreign born. We know all about the resources of agriculture and grazing and mining, and I shall not detain the Senate a moment to go into any of those questions. But I do beg to refer to one argument, based upon the showing of the census, which has not been adverted to. The ratio of illiteracy in both Territories is startling. No right-minded man can contemplate with any satisfaction the bringing in of a population where the ratio of illiteracy is so high.

But there is another thing which is even more suggestive than the tables of illiteracy, and that is that in New Mexico among the native-born population the percentage of illiteracy is 51. I want every Senator to think for a moment what that means. Among

the native-born population, those who have been born under our institutions and under our flag, the ratio of illiteracy is 51 per cent. That is a most alarming suggestion.

We know what our institutions have done for peoples of other races; we know what an inspiration they have been to the sturdy immigrants who have come to our shores, and still in one of our own Territories that is asking to come in as a sovereign State on an equal footing we find that alarming state of facts. "By their fruits ye shall know them" is a maxim as true to-day as it was when first uttered. And that civilization, existing there for half a century under our institutions, produces 51 per cent of illiteracy!

Sir, in the State from which I come we have a large proportion of foreign population—not only the Germans, but the Scandinavians, the Poles, and an admixture of other foreign elements. But we have noticed all through that the second generation, coming under the beneficent influence of our school system, are not only Americans, but the most intense Americans we have. Take the Germans, for instance. They speak our language; they sympathize with our ideas; they adopt our methods; they are imbued with our enthusiasm, and they are the most stalwart Americans you can find. It is much the same with all those other nationalities; and while the number of foreign born has been very large, such a thing as an interpreter in a jury room has never been heard of. They become the best of citizens. They are patriotic, public spirited, thrifty, and in every respect have become assimilated with our population.

I have not heard any reference made in this debate to a singular circumstance, and that is that the subcommittee had before it a number of justices of the peace in New Mexico, many of whom were native born; and in one instance an interpreter was required for a justice of the peace who appeared before the committee. Although he had been produced right there, he could not speak the language of the country. Now, presumably, that man was above the level of the intelligence of the community in which he lived, because he had been selected to judge and arbitrate the disputes of his neighbors.

The committee had before it another justice of the peace who was also native born. They asked him what is the Constitution of the United States. He said he had never read it except only a fragment or a clause, which he had seen printed in Spanish. The question was still pressed, and he said it was something out of which had come the laws of New Mexico.

Mr. BEVERIDGE. Will the Senator from Wisconsin permit me?

Mr. QUARLES. Certainly.

Mr. BEVERIDGE. Another justice of the peace who was asked that question said he had not read it at all. The Senator referred to the fact that for one justice of the peace an interpreter was required. I think, perhaps, that was the case in more than one instance; certainly in most of the instances there was broken speech. The interpreter was not recorded as being used where it was at all possible to understand the witness. Further, in every instance, possibly with one exception and I believe in every instance, the testimony shows that the dockets of the justices of the peace were written in Spanish and the processes issued from their offices in Spanish.

I wish to call the Senator's attention to another fact, because I see he has passed the point, and that is with respect to his statement concerning the illiteracy of the native-born element, because it astonished me, and I have given some attention to this subject. Do I understand the Senator to say that the illiteracy of the native-born element is 51 per cent?

Mr. QUARLES. Yes, sir; it is so shown by the census.

Mr. BEVERIDGE. The significance of that fact, serious as it is, does not, I think, appear fully upon its face. Illiteracy is determined by the following test: Can you read or write any language? And 51 per cent, as the Senator states—and it astonishes me; it is an alarming state—of the native-born element can not read or write the English language or any other language. If the test were applied to the reading and writing of English, how much higher does the Senator think it would be?

Mr. QUARLES. I have no idea.

Mr. BEVERIDGE. But necessarily it would be very much higher.

Mr. QUARLES. This statement would excite great surprise in the mind of any person not familiar with the environments under which those people live. The subcommittee, I venture to say, visited the cities. Now, the urban population in these Territories is quite different from the rustic population. The people of the cities are, of course, all the time brought in contact with the business element, with the life of commerce, and those people become bright and energetic. But anyone who has visited that Territory, and especially if he has had the opportunity of traveling in old Mexico, will have no difficulty in understanding the situation. It is natural and it is logical.

Now, great wonder is expressed that forty years elapsed before

it occurred to these people in New Mexico that a system of schools was necessary. That would be a monstrous proposition as applied to almost any other of our new communities. Take the case of Wisconsin, for instance. The old frontiersmen, who were hewing down the trees and building their log cabins, made it their business in the first instance to discuss the question of education, and the first graded school of the West was established in the little town where I was born while it was yet a wilderness. But those people down there in New Mexico, as I said, lived for forty years under American institutions before the necessity of a school system became apparent. Now, why is that? It is perfectly natural to one who understands the situation.

A plaza either in old Mexico or in New Mexico is a menace to civilization. It brings isolation. A plaza surrounded by adobe buildings will shelter a dozen or twenty families, as the case may be. There they live in complete isolation. They reproduce the original type. They think the same thoughts and they sing the same songs as their fathers had for centuries before. They follow the goats through the chaparral and sagebrush during the day. They return to the plaza at night and indulge in the same games and pastimes that diverted their ancestors before them.

Now, Mr. President, while civilization is infectious, those little communities are immune. Civilization never reaches them. There they have lived generation after generation as a pastoral people. Their wants are few and simple. The climate is mild. They do not have to hustle to keep warm. They have fruit and they can provide themselves with the necessities of life without great exertion. There they have lived, I say, without feeling a throb of commerce or civilization. The need of education does not appeal to them. Until the plaza is invaded you will have no progress among those people.

In the cities of New Mexico, we are advised that their system of schools is admirable. We see the enrollment of pupils, and it is large. We see that improvement is going on. But when you go back to the plaza you will find nothing of the kind. How it may be now, since this impulse of education has aroused to some extent the lethargies of the people, I do not know.

When Cortez approached the palace of the Montezumas to deliver the message of his august sovereign, Spain was a great power. Her infantry was renowned throughout the world. Her armadas struck terror to the nations of Europe. She was a dominating influence in European politics. The wealth of her colonies was poured into her lap. She was enamored of luxury. And what did she do? She drove the Moors and the Moriscos from her borders, and they were her artisans. The sound of the hammer was discordant. Industry was something vulgar, not to be encouraged or tolerated. So the artisans, the working people, were made exiles by Spain, and from that time dates her decadence. We find that her colonies one after another have revolted and established their independence. It became the mission of this young nation to intervene and relax her nerveless hand from the last of her western possessions.

As illustrative of this tendency toward decadence we find the Cortes of Spain, the legislative assembly, appealing to Philip the Second to forbid the use of coaches, because, forsooth, the Spanish people had gotten along so well without them for so many years. Now, poor old Spain, reduced to a second-rate power, has retired within her own boundaries to reflect upon the uncertainties of human greatness. Wherever her children are, wherever you find the Spanish blood, you find that this racial infirmity has been inherited; and in the plaza in New Mexico, as in old Mexico, the watchwords of that laggard civilization are "mañana" and "poco tiempo."

Now, Mr. President, let us wait. Let us wait until education has permeated those rustic communities. Let us pause until we have aroused in their breasts the American initiative. Let us wait until they are capable of sympathizing with our civilization, willing to adopt our methods, our habits, our language, before we admit them as a sovereign State.

A WILDERNESS IF IRRIGATION FAILS.

Mr. President, there is another reason that I want to urge upon the Senate why these two Territories ought not to be admitted, and it is a reason which has not been offered by anybody, and I esteem it worthy of attention. What will be the future of Arizona and New Mexico if irrigation fails? That region will relapse into a wilderness.

I wish to call the attention of the Senate to the legal situation which now exists with reference to irrigation. Let me say at the outset that it seems to me the United States Government is undertaking to carry out two antagonistic policies. Its officers are working at cross-purposes. In Congress we are trying to mature and carry out a great scheme of irrigation. We have passed a bill with this end in view. But at the same time the officers of the United States Government in the courts are seeking to establish a principle which is a menace to any Federal system of irrigation.

It is well known that New Mexico must depend upon the Rio Grande and the Pecos for its irrigation. It is well known that both of those streams are interstate streams. It is known that a large quantity of the water in those two streams has already been appropriated, so that the Rio Grande River at times, at El Paso, runs dry.

Now, the Rio Grande is not only an interstate stream, but it is an international stream. It passes on, as everyone knows, into the Republic of Mexico. So the question raised by the law officers of the United States Government is one of very great importance as to the future of this country—whether this appropriation of water is to be permitted if it threatens the navigability of the Rio Grande River. I think it is not generally known that the Supreme Court of the United States, in considering this question, has given an intimation which at least is startling in its bearing upon the future of these two Territories.

There was a dam projected on the Rio Grande River for irrigation purposes, and the officers of the United States Government brought suit to enjoin the building of that dam on the theory that navigation would be affected by the diversion of water for irrigation. That dam was intended to store the flood waters of the river in New Mexico. A preliminary injunction was issued. The lower court dismissed the bill on the ground that the Rio Grande River was not navigable in New Mexico, and therefore the bill had no equity. The case was carried to the Supreme Court of the United States, and there the whole question was considered.

I will pause only long enough to say to those who may not have investigated the subject that the common-law rule requires that a river passing my land, for instance, shall be permitted to run as by nature it would run. The upper proprietor may use the water as it passes him, but he must return it into the stream, so that the volume of the river shall not be substantially diminished when it passes my land.

Now, that common-law rule has been entirely abrogated in the States of Colorado, California, and in most of the Western States. It has given place to another rule, which gives priority of right to priority of appropriation. The doctrine of riparian rights under the common law has been abrogated.

Congress has recognized the local abrogation of the common-law rule in many statutes and in a number of decisions, and it was supposed by the profession generally, I think, that that recognition by Congress and its courts was all sufficient to do away with the common-law rule on that subject, as applied to that whole region.

Now, you see at once that if the common-law rule were to be applied to the Rio Grande and the Pecos it would simply destroy irrigation, because when they take water out of a river in that arid country the evaporation is something enormous, I think about 30 per cent, if I remember. I may be in error.

Mr. TELLER. Mr. President, I should like—

Mr. HOAR. The Senator is making a very interesting statement, and I wish to ask him if he understands that the doctrine known as the "common-law doctrine" applies to irrigation?

Mr. QUARLES. Yes, sir; and I shall show that the Supreme Court does apply it. I will hear the Senator from Colorado.

Mr. TELLER. I should like to say to the Senator that he has overestimated the amount of evaporation. It is not to exceed from 12½ to 15 per cent.

Mr. QUARLES. I am thankful for the suggestion. I do not pretend to be an expert upon this subject.

Now, I wish to call the attention of the Senate to the case to which I have referred. It is found in 178 United States and is the case of United States v. Rio Grande Irrigation Company.

I will read briefly from page 704. The court said:

Notwithstanding the unquestioned rule of the common law in reference to the right of a lower riparian proprietor to insist upon the continuous flow of the stream as it was, and although there has been in all the Western States an adoption or recognition of the common law, it was early developed in their history that the mining industry in certain States, the reclamation of arid lands in others, compelled a departure from the common-law rule, and justified an appropriation of flowing waters both for mining purposes and for the reclamation of arid lands, and there has come to be recognized in those States, by custom and by State legislation, a different rule—a rule which permits under certain circumstances, the appropriation of the waters of a flowing stream for other than domestic purposes. So far as those rules have only a local significance, and affect only questions between citizens of the State, nothing is presented which calls for any consideration by the Federal courts.

Then they speak of an act passed by Congress which recognized by express terms that doctrine of the prior appropriation of water, the prior proprietor having the better right. The court says:

The effect of this statute was to recognize, so far as the United States are concerned, the validity of the local customs, laws, and decisions of courts in respect to the appropriation of water.

Then they go on and speak of the desert-land act, which I need not read. It is familiar to most Senators. Then they speak of several other acts, and on page 706 the court says:

Obviously by these acts, so far as they extended, Congress recognized and assented to the appropriation of water in contravention of the common-law

rule as to continuous flow. To infer therefrom that Congress intended to release its control over the navigable streams of the country and to grant in aid of mining industries and the reclamation of arid lands the right to appropriate the waters on the sources of navigable streams to such an extent as to destroy their navigability, is to carry those statutes beyond what their fair import permits. This legislation must be interpreted in the light of existing facts—that all through this mining region in the West were streams, not navigable, whose waters could safely be appropriated for mining and agricultural industries, without serious interference with the navigability of the rivers into which those waters flow. And in reference to all these cases of purely local interest the obvious purpose of Congress was to give its assent, so far as the public lands were concerned, to any system, although in contravention to the common-law rule, which permitted appropriation of those waters for legitimate industries. To hold that Congress, by these acts, meant to confer upon any State the right to appropriate all the waters of the tributary streams which unite into a navigable water course, and so destroy the navigability of that water course in derogation of the interests of all the people of the United States, is a construction which can not be tolerated.

I will not detain the Senate to read this opinion further, but the court goes on and holds that the lower court was in error in dismissing the bill on the ground that the Rio Grande was not navigable in New Mexico. They hold that, if the appropriation of the water in New Mexico affected the navigability of the river in another State, then it makes no difference whether the river was navigable in New Mexico or not.

This case was again before the court in 184 United States, but it is not particularly significant, except that the language employed by the court would seem to indicate that this is regarded as a most important and dangerous question. This case is still pending, and testimony is being taken to determine to what extent the appropriation of the water of the Rio Grande River for the purposes of reclamation is interfering with the navigability of the stream lower down. Any Senator who will read that opinion will, I think, see that there is very grave danger that they may eventually apply the common-law rule with all that that implies.

But that is not all, Mr. President. The case I have just called attention to proceeded upon the doctrine of navigability. The same proposition has been raised in another way in a case that is reported in 185 United States, the case of *Kansas v. Colorado*. There the question of navigability was not raised. There the question presented by the bill was whether Colorado could appropriate the water of the Arkansas River while it was running within the Colorado boundaries, and thus deprive the people of Kansas, through which State the river runs, from the advantageous use of water for domestic and other purposes as well as for irrigation, presenting the sole, simple question as to the right of one State to appropriate the water of an interstate stream, leaving out the question of navigability.

There was a demurrer interposed to that bill; and every lawyer knows that a demurrer admits all the facts that are well pleaded, and the court might have proceeded to a decree determining all these questions upon that demurrer.

The Supreme Court, however, regarding the question as so difficult and so important, declined to pass upon the demurrer, and sent the case back to have the evidence taken (and that court takes original jurisdiction in that case), so that that court might know what the very facts were, as to the extent to which the Colorado people had been appropriating that water, to what extent it influenced the underflow, which is a feature of that water course in Kansas, and all the other facts, considering it a question of such great importance as to whether the common-law rule should be applied that the court has thus asked to have the demurrer withdrawn and all the facts presented before that court.

Now, without wearying the Senate further I wish to ask here, in view of the inevitable result that must flow from the application of the common-law doctrine to those two streams, ought we to admit that Territory with that menace hanging over it? Ought we not to wait until we know what the law is, affecting, as it does, the resources and almost the very life of those two Territories? If we admit them, our act is irrevocable; it can not be reviewed or recalled. Is there a Senator here who, in view of that litigation, in view of that great danger imperiling, as it does, the industries of those two Territories, would wish to say that they should be admitted as sovereign States before the court has determined this great fundamental question?

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. QUARLES. With pleasure.

Mr. TELLER. It seems to me the Senator is assuming what is not a fact, that the Rio Grande is within the legal term a navigable stream, and that he is putting up a bugbear that will never rise to trouble us or anyone else. That stream is not navigable, has never been navigable to any commercial extent, and never will be.

Mr. QUARLES. Does the Senator mean that the Rio Grande is not navigable at any point?

Mr. TELLER. I mean that for a few months in the year the

lower end of the stream is navigable, during which time little one-horse steamboats occasionally run upon it; but there is practically no commerce on that river, and there never has been.

Mr. QUARLES. Mr. President, I can only say that if I am making a bugbear of this question, I am imitating the Supreme Court of the United States, which seems to be very much disturbed by that same bugbear.

Mr. TELLER. I should like to say that the Supreme Court had some evidence, at which I am astonished, to the effect that the river was navigable not only at its mouth, but in New Mexico. It never has been so. There never has been in the history of the river a boat which has passed El Paso. There never has been a steamship or a sailboat on the river above that point.

Mr. QUARLES. Mr. President, I can not follow the distinguished Senator from Colorado into that matter of fact, concerning which I am entirely ignorant.

Mr. SPOONER. I will ask my colleague if he assents to the definition of navigability suggested by the Senator from Colorado, that that is only a navigable stream within the meaning of the law which can float a 1-horse, a 2-horse, or a 10-horse steamboat, or whether, if a stream is navigable for any of the useful purposes of commerce, such even as the floating of logs to market, that does not constitute navigability within the American rule?

Mr. TELLER. I should like to reply to that if the other Senator from Wisconsin will allow me just one minute.

Mr. QUARLES. Certainly.

Mr. TELLER. It can not possibly be assumed by the Senator from Wisconsin or anybody else—

Mr. SPOONER. I do not assume anything—

Mr. TELLER. That the Congress of the United States is going to declare a river a navigable stream if you can run posts or logs down it, and thus deprive a half million people at the head of the stream of the right to live there at all. We are treating this matter as a practical thing. The Senator says there will be danger some day that the people at the head of that stream and along the borders of the stream will be deprived of water for domestic use in agriculture—that they will be without it in order that somebody may run a saw log down the river.

Mr. SPOONER. I assume nothing except this—

Mr. TELLER. I think you do.

Mr. SPOONER. I think I did not. I only stated a proposition of law. The common-law rule of navigability is the ebb and flow of the tide. The American rule of navigability is not the ebb and flow of the tide, but it is the susceptibility of a stream for some of the useful purposes of commerce, and that does not involve steamboat navigation; but whether a stream is conceded to be navigable under the American rule, independent of the act of Congress declaring it navigable or otherwise, is a question of law and of water rights.

Mr. TELLER. Certainly; I understand that.

Mr. SPOONER. I have not assumed anything contrary to that.

Mr. TELLER. I think the Senator assumes that a stream might be navigable because posts and logs could be run down it. I do not concede that to be a fact. There may be somewhere in Wisconsin decisions holding that streams are navigable where posts and logs are run down them.

Mr. SPOONER. When the Senator says that he indicates forgetfulness of the scope of the decisions on that subject.

Mr. TELLER. I have never looked to see what the decisions were.

Mr. SPOONER. I was not referring to any Wisconsin decision.

Mr. TELLER. I know the rule as to navigable streams where the Government of the United States interferes with and takes charge of them is that they are considered navigable when boats can be run upon them. I do not believe that the Government has ever taken charge of any other streams.

Mr. QUARLES. Mr. President—

Mr. SPOONER. I surrender to my colleague for the time.

Mr. QUARLES. Mr. President, in the case of *Kansas v. Colorado* the question of navigability is entirely left out of view by the court, and still the question raised was held by the court to be so important that they sent the case back to take proof. Here is what the court says; let us see if there is any bugbear in this:

We think proof should be made as to whether Colorado is herself actually threatening to wholly exhaust the flow of the Arkansas River in Kansas; whether what is described in the bill as the "underflow" is a subterranean stream flowing in a known and defined channel, and not merely water percolating through the strata below; whether certain persons, firms, and corporations in Colorado must be made parties hereto; what lands in Kansas are actually situated on the banks of the river, and what, either in Colorado or Kansas, are absolutely dependent on water therefrom; the extent of the watershed or the drainage area of the Arkansas River; the possibilities of the maintenance of a sustained flow through the control of flood waters; in short, the circumstances, a variation in which might induce the court to either grant, modify, or deny the relief sought or any part thereof.

If I understand that language, it means that if the proof is strong enough, the court proposes to deal with the case according to the principles of common law, but it hesitates until the very

facts can be presented in the record, not with reference to navigability, but with reference to the right of one State to appropriate and use all the waters in the stream, and thereby deprive the adjoining State of the use of the same for domestic and other purposes. The distinguished Senator from Colorado [Mr. TELLER] will not, I think, say there is any bugbear there. It seems to me to be a menace, and it seems to go right to the very root of this whole question.

Mr. President, is any great interest to be sacrificed, is any right to be infringed, if we wait until we know what the highest court in the land shall say upon this subject? It seems to me, sir, that we are constrained by every principle of prudence to wait until we know what the court shall hold, not only as to the possibility of future irrigation, but as to the permanence of the system so far as it has already been established.

Mr. BURTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. QUARLES. Certainly.

Mr. BURTON. I was not in the Chamber when the Senator spoke about the streams in New Mexico and Arizona. To what streams did the Senator refer that might be affected by this legislation?

Mr. QUARLES. The Rio Grande and the Pecos, both interstate streams.

Mr. BURTON. Is the Senator disturbed about any opinion of the Supreme Court affecting the waters of those streams so as to affect the development of either Arizona or New Mexico?

Mr. QUARLES. Mr. President—

Mr. BURTON. If the Senator will allow me another word—surely there can be no reason for urging that as an argument against this bill.

There is one thing while I am on my feet, if the Senator will allow me, that I wish to say, and that is water is never lost by taking it out of a stream and putting it on the land. Take a thousand cubic feet of water out of a stream and put it on the land and it will find its way back to the channel again with no diminution at all. The Senator will recognize that fact if he is familiar with the subject of irrigation.

Mr. QUARLES. Mr. President, I do not profess to be informed in regard to details of irrigation, but I do know that on the Gila River there was a band of Indians who had always had an abundance of water to carry on irrigation who were compelled to come before our committee and ask for aid because the appropriation of the waters of the Gila River farther up the stream had absolutely deprived them of water. Does not the Senator know that the water of the Gila River and its tributaries is almost entirely appropriated in Arizona and consumed right there in irrigation? The allegations in the verified bill in the case of *Kansas v. Colorado* are that in the State of Colorado the waters have been appropriated to such an extent that the river ceases to flow through Kansas, although in all the years before there had been an abundant flow. I refer my distinguished friend to authoritative instances of that kind rather than to assert any opinion of my own.

Mr. BURTON. The cases which the Senator has cited are not authoritative at all. There is no such thing as the loss of water by its appropriation for irrigation if you will wait long enough for the water to percolate through the ground back again into the stream.

I hesitate to speak about the case that is pending between Colorado and Kansas; but it is not brought by irrigationists; it is brought by lawyers. The fact about the matter is that every single drop of water taken out by the ditches in Colorado will get back into the stream in Kansas, whether there is ever any case tried or not. Take 1,000 or 10,000 cubic feet of water out of the stream, say at Pueblo or at Rockyford, or any place between Pueblo and the State line, spread that water over the country, and in the course of a few years it finds its way back into the channel, and there will be just as much water in Kansas as there was before a drop was taken out.

Mr. BEVERIDGE. Mr. President, in answer to the remark of my friend the Senator from Kansas [Mr. BURTON] that in the course of a few years the water will seep back into the channel, I ask him what would become of the lands lying around the channel where it was dry?

Mr. BURTON. The lands would be there. [Laughter.]

Mr. BEVERIDGE. The lands certainly would.

Mr. BURTON. They will not get away. If the water was on the land before the ditches were built in Colorado, the water can not be taken out at all under existing law. For instance, if a ditch is built and it appropriates the water, enough of the water must be permitted to go down the channel to be used by the ditch first built. That is the law everywhere.

The suit referred to was brought upon the idea that all the water could be appropriated above and thus deplete the stream below it. That is the basis of the fallacy.

Mr. BEVERIDGE. I am not talking about the suit; I am talking about the Senator's fallacy, because I think it is the Senator's fallacy and not the fallacy of the conclusion drawn by the Senator from Wisconsin. Now, the Senator from Kansas says that if water is taken out of a stream, no matter how much, for irrigation it is not lost. That is a good deal like saying that force is never lost. Of course it is never lost, because it goes some place else; but it is lost for available use. The Senator states that if water is taken out of a stream so that the channel below is dry, in the course of a few years it will seep back into the channel. The Senator means us to understand that the water is not lost. Of course not; it goes some place; but what becomes of the land that was under cultivation, which lies along the stream, when the stream becomes dry? That is the question.

The Senator from Wisconsin has read authorities which the Senator from Kansas says are not authoritative. I submit that is a question of opinion. It occurs to me that they are authoritative, and he will permit me to give one more. When the subcommittee was at Phoenix we found that the irrigation channel had taken a large volume of water from Salt River some miles above the city, and that the stream opposite the city was therefore totally dry. That is a very familiar experience, I am told, in those regions. So that, outside of the theory of the nonloss of water, like the theory of the nonloss of force, is the practical matter that when you divert from the channel of the stream enough water for irrigation, or any other purpose, you use it up and, of course, the channel below is dry; and to say that it seeps back is a good deal like saying that if you drew off all the water there was in a well you would not pump the well dry, because in time it would seep back. Nobody contends that water is lost or destroyed any more than anybody contends that force is destroyed. It has gone somewhere else—that is the trouble.

Mr. QUARLES. Mr. President, I do not pretend to be an expert on irrigation, but I had always supposed that it was an elementary principle of physics that if water were poured on a hot stove evaporation would result. I think I can not be mistaken about that simple proposition. If you turn a stream of water into the hot sands is not evaporation enormously increased at once?

Mr. BURTON. Evaporation is so small that it is not appreciable. In any of the canals that have been built the loss of water by evaporation is so small that it is not measurable at all. The streams that were dry, of which the Senator spoke, were in that condition because the water had been recently taken out above. In the course of a short time, in a few years, the same water that is taken out and spread upon the land gets back into the channel again. That is the point I was trying to make. The loss by evaporation in irrigation amounts to nothing. It is so small that it is not counted at all.

Mr. QUARLES. I wish that the distinguished Senator had been in the Senate when another distinguished Senator from the West [Mr. TELLER], presumably familiar with this subject, announced here this afternoon that the evaporation by reason of irrigation amounted to 12½ to 15 per cent. It seems to me that is quite an appreciable amount, and I would advise my distinguished friend from Kansas, if he is candid in his view, to make haste to get into the Supreme Court and convince them of this doctrine rather than to discuss it here.

Mr. BURTON. There is little danger of any harm coming from the decision of the Supreme Court when the facts are finally presented in regard to this matter. There is nobody being hurt by it now. I will say to the Senator that, in my opinion, the loss—I will repeat it again—the loss of water by irrigation is only temporary; it gets back to the channel.

Mr. QUARLES. Mr. President, I have been speaking already longer than I intended. I am somewhat weary and I should be glad to yield the floor at this time and resume to-morrow.

Mr. SPOONER. Would my colleague prefer to discontinue his speech at this time until to-morrow?

Mr. QUARLES. I would much prefer it, if that is agreeable to the Senate.

Mr. SPOONER. Where is the Senator from Pennsylvania [Mr. QUAY]?

The PRESIDENT pro tempore. The Chair will occupy a few moments of time, with the permission of the Senator from Wisconsin.

Mr. SPOONER. I have no doubt the Senator from Pennsylvania will consent to that.

The PRESIDENT pro tempore. The Chair at this time will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

A bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto in the State of Louisiana;

A bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala.;

A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

A bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State; and

A bill (H. R. 16975) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

The bill (H. R. 14512) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884; and

A bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk to said court, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes; and

A bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine; and

A joint resolution (H. J. Res. 8) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 7) authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army; and

A bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army.

The bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. 3238) granting a pension to Martha Elizabeth Hench;
An act (S. 4121) granting a pension to Elizabeth Jacobs;
An act (S. 4296) granting a pension to Andrew Ady;
An act (S. 5280) granting a pension to Dollie Cozens;
An act (S. 6361) granting a pension to Emma Dean Powell;
An act (S. 6693) granting a pension to Mary J. Ivey;
An act (S. 252) granting an increase of pension to Levi H. Peddycoard;

An act (S. 1131) granting an increase of pension to Sydda B. Arnold;

An act (S. 1614) granting an increase of pension to Nelson W. Carlton;

An act (S. 1637) granting an increase of pension to Annie A. Neary;

An act (S. 1903) granting an increase of pension to Hamline B. Williams;

An act (S. 1978) granting an increase of pension to Wesley S. Potter;

An act (S. 2084) granting an increase of pension to Samuel E. Ewing;

An act (S. 2806) granting an increase of pension to Laura S. Picking;

An act (S. 2863) granting an increase of pension to Mary L. Purington;

An act (S. 3250) granting an increase of pension to Winfield S. Piety;

An act (S. 3298) granting an increase of pension to William A. Kimball;

An act (S. 3607) granting an increase of pension to Oliver P. Helton;

An act (S. 3644) granting an increase of pension to James Mealey;

An act (S. 3730) granting an increase of pension to Jonas Olmstead;

An act (S. 3773) granting an increase of pension to Leroy Roberts;

An act (S. 3940) granting an increase of pension to Eliza C. Deery;

An act (S. 3970) granting an increase of pension to Mary Elizabeth Fales;

An act (S. 4332) granting an increase of pension to Mary B. Heddleson;

An act (S. 4401) granting an increase of pension to Frederick Kropf;

An act (S. 4412) granting an increase of pension to John G. Rees;

An act (S. 4515) granting an increase of pension to Alfred O. Blood;

An act (S. 4827) granting an increase of pension to George W. Scott;

An act (S. 5244) granting an increase of pension to William H. Maxwell;

An act (S. 5352) granting an increase of pension to William Flinn;

An act (S. 5355) granting an increase of pension to George A. King;

An act (S. 5412) granting an increase of pension to Henry E. Spring;

An act (S. 5643) granting an increase of pension to Nicholas Smith;

An act (S. 5976) granting an increase of pension to Milton Frazier;

An act (S. 6071) granting an increase of pension to Mary Manes;

An act (S. 6132) granting an increase of pension to Fanny McHarg;

An act (S. 6155) granting an increase of pension to William Markle;

An act (S. 6182) granting an increase of pension to Lila L. Egbert;

An act (S. 6257) granting an increase of pension to Mary B. Keller;

An act (S. 6467) granting an increase of pension to Sarah E. Ropes;

An act (S. 6492) granting an increase of pension to Thomas Starrat;

An act (S. 6514) granting an increase of pension to Stephen J. Houston;

An act (S. 6526) granting an increase of pension to Orin T. Fall;

An act (S. 6543) granting an increase of pension to David C. Morgan; and

An act (S. 6614) granting an increase of pension to Bertha R. Koops.

STATEHOOD AMENDMENTS.

Mr. QUAY. Mr. President, I should be glad to know what became of the reports made from my committee a few days ago? The PRESIDENT pro tempore. They are on the Calendar.

Mr. QUAY. I think they had better take the ordinary reference. I do not see any objection to such a course, and I will ask that they be referred.

The PRESIDENT pro tempore. They can not be taken up without calling them from the Calendar.

Mr. BEVERIDGE. What is the request?

Mr. QUAY. That the reports made from my committee a few days ago shall be referred in accordance with the request of the committee. It is a matter of indifference, but they ought to be disposed of.

Mr. SPOONER. From what committee were they reported?

Mr. QUAY. From the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

Mr. SPOONER. What is the nature of the report?

Mr. QUAY. It is the report on the statehood bill. The reference, of course, amounts to nothing under the circumstances, but I think the reports ought to be referred to the proper committee, or else a precedent will be established that may be troublesome in the future.

The PRESIDENT pro tempore. They can only be taken from the Calendar by motion.

Mr. QUAY. Then I move that they be taken up.

Mr. BEVERIDGE. That is not necessary, because there is not going to be any objection.

Mr. QUAY. They will have to be taken up anyway.

Mr. BEVERIDGE. There is not going to be any objection to their being referred as the Senator requests.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that Calendar No. 2703, being an amendment to the Agricultural appropriation bill, providing for the admission of the Territories of Oklahoma, Arizona, and New Mexico into the Union as States, be referred to the Committee on Agriculture and Forestry, and that Calendar No. 2704, being an amendment to the sundry civil appropriation bill, providing for the admission of the Territories of Oklahoma, Arizona, and New Mexico into the Union as States, be referred to the Committee on Appropriations. Is there objection? The Chair hears none, and that order is made.

Mr. BEVERIDGE. I want merely to say in that connection that it will be admitted by every person, no matter what his views may be as to the merits of this measure, that this is an extraordinary procedure. It requires something to be done right now in an unusual method, and therefore it is proper to call attention to what is required to be done in this method of proposed attachment to an appropriation bill.

The first thing we see is that it is proposed not only to put onto an appropriation bill a bill having nothing to do with appropriations, but to put onto such a bill a thing which never can be undone if enacted into law. In that respect it differs from everything else. It is serious, far-reaching, irrevocable. Is there an emergency—and I am not going to argue the matter; I am merely calling the attention of the Senate to it at this time—before the Senate for such an unusual method in such a hurry? Not only is it everlasting in its consequences, not only does it forever affect the Republic, but there is earnest, determined difference of opinion upon it. Should such a measure be rushed in this revolutionary way?

As I said, I will make no objection to the reference of this amendment now, but this is a large general subject, and I have no doubt that at the proper time it will be discussed to the satisfaction of the Senator from Pennsylvania. But I thought it was proper at this juncture to call attention in a general way to just what is proposed.

Mr. QUAY. I merely wish to say, Mr. President, that the Senator is mistaken in saying the proceeding is unusual. The records of this Senate teem with precedents of this character.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3546) for the relief of L. A. Noyes.

The message also announced that the House had passed the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, if there is nothing before the Senate I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 4, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 3, 1903.

MINISTER Plenipotentiary.

Arthur M. Beaupré, of Illinois, now secretary of legation and consul-general there, to be envoy extraordinary and minister plenipotentiary of the United States to Colombia, vice Charles Burdett Hart, resigned.

CONSUL-GENERAL.

Alban G. Snyder, of West Virginia, to be secretary of legation and consul-general of the United States at Bogota, Colombia, vice Arthur M. Beaupré, nominated to be envoy extraordinary and minister plenipotentiary there.

SURGEON IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

P. A. Surg. Gregorio M. Guiteras, of South Carolina, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, in place of John Vansant, deceased.

PROMOTIONS IN THE ARMY.

Infantry Arm.

Capt. Edward H. Plummer, Tenth Infantry, to be major, December 31, 1902, vice Peshine, Eleventh Infantry, retired from active service.

First Lieut. Ira C. Welborn, Ninth Infantry, to be captain, December 29, 1902 (subject to examination required by law), vice Thurston, Sixteenth Infantry, promoted.

First Lieut. David E. W. Lyle, Fourteenth Infantry, to be captain, December 30, 1902, vice Jones, Twenty-seventh Infantry, detailed as quartermaster.

First Lieut. Alexander E. Williams, Second Infantry, to be captain, December 31, 1902, vice Plummer, Tenth Infantry, promoted.

First Lieut. Romulus F. Walton, Tenth Infantry, to be captain, January 9, 1903, vice Gleason, Sixth Infantry, deceased.

First Lieut. Charles W. Exton, Twentieth Infantry, to be captain, January 10, 1903, vice Roydon, Twenty-sixth Infantry, retired from active service.

First Lieut. David P. Wheeler, Twenty-second Infantry, to be captain, January 27, 1903, vice Lawton, Twenty-sixth Infantry, retired from active service as major and judge-advocate.

Second Lieut. John T. Dunn, Eleventh Infantry, to be first lieutenant, October 11, 1902, vice Maginnis, Eleventh Infantry, promoted.

Second Lieut. De Witt W. Chamberlin, Second Infantry, to be first lieutenant, October 18, 1902, vice Berry, First Infantry, promoted.

Second Lieut. Kaolin L. Whitson, Twenty-seventh Infantry, to be first lieutenant, October 21, 1902, vice Hammond, Ninth Infantry, promoted.

Second Lieut. Walter H. Johnson, Eighth Infantry, to be first lieutenant, November 8, 1902, vice Ingram, Fifth Infantry, promoted.

Second Lieut. Robert E. Grinstead, Twenty-third Infantry, to be first lieutenant, November 28, 1902, vice Davis, Seventeenth Infantry, promoted.

Second Lieut. Albert S. Williams, Twenty-sixth Infantry, to be first lieutenant, December 3, 1902, vice Janda, Eighth Infantry, promoted.

Cavalry Arm.

Lieut. Col. Charles L. Cooper, Fourteenth Cavalry, to be colonel, January 30, 1903, vice Swigert, Fifth Cavalry, retired from active service.

Maj. Alexander Rodgers, Fourth Cavalry, to be lieutenant-colonel, January 30, 1903, vice Cooper, Fourteenth Cavalry, promoted.

Capt. James Lockett, Fourth Cavalry, to be major, January 30, 1903, vice Rodgers, Fourth Cavalry, promoted.

First Lieut. William D. Chitty, Third Cavalry, to be captain, January 30, 1903, vice Lockett, Fourth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Michael J. McCormack, to be a lieutenant in the Navy from the 1st day of January, 1903, vice Lieut. William H. Buck, resigned.

Pay Inspector James A. Ring, to be a pay director in the Navy from the 10th day of December, 1902, vice Pay Director Joseph Foster, retired.

Pay Inspector Reah Frazer, to be a pay director in the Navy from the 19th day of January, 1903, vice Pay Director Albert S. Kenny, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1903.

ASSISTANT COMMISSIONER OF GENERAL LAND OFFICE.

John H. Fimple, of Carrollton, Ohio, to be Assistant Commissioner of the General Land Office.

CONSUL.

Levi S. Wilcox, of Illinois, now consul at that place, to be consul-general of the United States at Hankau, China.

APPRAISER OF MERCHANDISE.

George H. Allan, of Maine, to be appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine.

COLLECTOR OF CUSTOMS.

Nelson E. Nelson, of North Dakota, to be collector of customs for the district of North and South Dakota, in the States of North Dakota and South Dakota.

APPOINTMENTS IN THE NAVY.

Frederick S. W. Dean, a citizen of South Carolina, to be an assistant surgeon in the Navy from the 26th day of January, 1903.

Richard L. Sutton, a citizen of Missouri, to be an assistant surgeon in the Navy from the 26th day of January, 1903.

Ransom E. Riggs, a citizen of South Carolina, to be an assistant surgeon in the Navy, from the 19th day of January, 1903.

ASSISTANT NAVAL CONSTRUCTORS.

1. Jules A. Furer.
2. William B. Fogarty.
3. Sidney M. Henry.
4. Lewis B. McBride.

PROMOTIONS IN THE NAVY.

1. Commander Charles C. Cornwell, to be captain in the Navy from 10th day of January, 1903.

2. Pay Inspector Samuel R. Colhoun, to be a pay director in the Navy from the 22d day of November, 1902.

3. Pay Inspector John N. Speel, to be a pay director in the Navy from the 11th day of January, 1903.

1. Lieut. (Junior Grade) Edward H. Watson, to be a lieutenant in the Navy from the 2d day of December, 1902.

2. Lieut. (Junior Grade) Orlo S. Knepper, to be a lieutenant in the Navy from the 2d day of December, 1902.

3. Lieut. (Junior Grade) Edward H. Dunn, to be a lieutenant in the Navy from the 10th day of January, 1903.

4. Asst. Surg. Ralph W. Plummer, to be a passed assistant surgeon in the Navy from the 17th day of June, 1902.

PROMOTION IN THE MARINE CORPS.

First Lieut. Frederick L. Bradman, United States Marine Corps, to be a captain in the Marine Corps from the 23d day of July, 1901.

POSTMASTERS.

ILLINOIS.

Edwin L. Welton, to be postmaster at Centralia, in the county of Marion and State of Illinois.

Stacy W. Osgood, to be postmaster at Winnstka, in the county of Cook and State of Illinois.

William C. Heining, to be postmaster at Red Bud, in the county of Randolph and State of Illinois.

INDIANA.

William L. Walker, to be postmaster at Carthage, in the county of Rush and State of Indiana.

John W. Hill, to be postmaster at Redkey, in the county of Jay and State of Indiana.

Asa M. Ballinger, to be postmaster at Upland, in the county of Grant and State of Indiana.

IOWA.

Joseph E. Howard, to be postmaster at Forest City, in the county of Winnebago and State of Iowa.

KANSAS.

Edward J. Byerts, to be postmaster at Hill City, in the county of Graham and State of Kansas.

James S. Alexander, to be postmaster at Florence, in the county of Marion and State of Kansas.

MICHIGAN.

Edgar B. Babcock, to be postmaster at Kalkaska, in the county of Kalkaska and State of Michigan.

MISSISSIPPI.

Frank Fairly, to be postmaster at Mount Olive, in the county of Covington and State of Mississippi.

John W. Lockhart, to be postmaster at Durant, in the county of Holmes and State of Mississippi.

NORTH CAROLINA.

Isaac M. Meekins, to be postmaster at Elizabeth City, in the county of Pasquotank and State of North Carolina.

OKLAHOMA.

George S. Walker, to be postmaster at Bridgeport, in the county of Caddo and Territory of Oklahoma.

Perry C. Hughes, to be postmaster at Busch, in the county of Roger Mills and Territory of Oklahoma.

Charles W. Sherwood, to be postmaster at Okeene, in the county of Blaine and Territory of Oklahoma.

John H. Asbury, to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma.

John R. Tate, to be postmaster at Blackwell, in the county of Kay and Territory of Oklahoma.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 3, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

OKLAHOMA AND WESTERN RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, with Senate amendments, which were read.

Mr. HULL. Mr. Speaker, all these amendments are recommended by the War Department, excepting inserting the word "city" after Oklahoma. I move to concur in all the amendments of the Senate.

The question was taken, and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution and bills of the following title; in which the concurrence of the House was requested:

S. R. 138. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth at Leavenworth, Kans.;

S. 6431. An act to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892; and

S. 3112. An act conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi, and to determine the claims of the White River or confederated bands of Ute Indians, of Colorado, and the Delaware Indians.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16724. An act to provide for an additional judge of the district court of the United States for the southern district of New York;

H. R. 16099. An act to cancel certain taxes assessed against the Kall tract;

H. R. 15747. An act directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others;

H. R. 5756. An act for the relief of the officers and crew of the U. S. S. *Charleston*, lost in the Philippine Islands, November 2, 1899;

H. R. 647. An act for the relief of William P. Marshall; and

H. R. 159. An act providing for free homesteads on the public lands for actual and bona fide settlers in the north half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 62.

Resolved, That the President be requested to return to the Senate the bill (S. 1115) for the relief of Francis S. Davidson, late lieutenant, Ninth United States Cavalry.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3112. An act conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi, and to determine the claims of the White River or Confederated bands of Ute Indians of Colorado, and the Delaware Indians—to the Committee on Indian Affairs.

S. 6431. An act to amend an act entitled "An act to amend an act relating to tax sales and taxes in the District of Columbia," approved May 13, 1892—to the Committee on the District of Columbia.

S. R. 138. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.—to the Committee on Military Affairs.

ORDER OF BUSINESS.

The SPEAKER. This brings up the special order, namely, the claims bills not disposed of. The Chair will recognize the gentleman from Illinois, chairman of the committee, in favor of the bills, and the gentleman from New York [Mr. PAYNE] in opposition to them; and under the agreement there is ten minutes debate allowed on each side on each bill.

Mr. GRAFF. Will the bills be called up in the same order that they were the other day?

The SPEAKER. They will come up in their order.